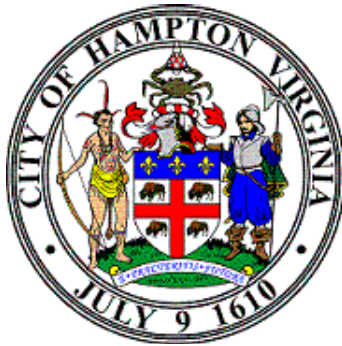


City of Hampton, VA

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov



Council Agenda

Wednesday, November 13, 2013

10:00 AM

Boo Williams Sportsplex

City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris
Snead, Christopher G. Stuart, Donnie R. Tuck,
George E. Wallace, Mayor*

Staff:

Mary Bunting, City Manager

Cynthia Hudson, City Attorney

Katherine K. Glass, CMC, Clerk of Council

Last Published: 11/7/2013 4:48:05 PM

CALL TO ORDER

TOUR OF BOO WILLIAMS SPORTSPLEX

AGENDA

1. **13-0415** Staff Briefing on Armistead Pointe Park Master Plan Update
2. **13-0441** Staff briefing on proposed ordinance to amend and re-enact the zoning ordinance by reformatting the lists of permitted uses in each zoning district as one table of permitted uses which includes all uses and all zoning districts.

ADJOURNMENT

Contact Info:

Clerk of Council, 757-727-6315, council@hampton.gov



City of Hampton, VA

Agenda Review

File Number: 13-0415

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0415

Request Number: R-2013-00414

File Type: **Briefing / Presentation /
Hearing**

Department: **Planning**

Introduced: **10/23/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Alison Alexander**

Phone:

Requestor:

Phone:

Presenter: **Donald Whipple, Senior City Planner**

Phone: **728.5235**

Title: **Staff Briefing on Armistead Pointe Park Master Plan Update**

Action Requested: **No action required.**

Estimated Time: **10 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/14/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Guernsey Tingle Architects, a consultant providing urban architectural design services for the City of Hampton, has been commissioned to lead the planning process to update the *1998 Armistead Pointe Master Plan*. With shifting demographics, and changing recreational trends over the past 15 years, as well as the development of the Coliseum Central Master Plan in 2004 and the construction of the Boo Williams Sportsplex in 2008, the current Master Plan has become outdated. The consultants have been assessing the site as it relates to other parks and recreation facilities and programs within the city. In addition, the consultants have been working on a regional demand assessment of revenue-based destination recreation and leisure facilities/programs that would generate revenue for the city. Examples of such facilities include but are not limited to an aquatics center, multiple sports complex, indoor soccer complex, etc. Such facilities would benefit the local economy by added revenue generated through hotel stays, restaurant dining, and shopping. The consultants will be briefing the Council on their current work related to the feasibility and market study.

Community engagement and participation has been commissioned for this master planning process in the following ways:

- 1) Community Worksessions – the first community input workshop was held on September 26, 2013 at the Boo Williams Sportsplex. A second workshop will be held in early December.
- 2) An interactive website has been developed dedicated to disseminate information to and gather input from the community on specific city projects and planning processes. Staff has been marketing the site in various ways, encouraging the community to *Envision Hampton* at www.hampton.gov/envision



City of Hampton, VA

Agenda Review

File Number: 13-0441

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0441

Request Number: R-2013-00440

File Type: **Briefing / Presentation /
Hearing**

Department: **Planning**

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Alison Alexander**

Phone:

Requestor:

Phone:

Presenter: **Jeff Conkle, Senior Zoning Official**

Phone: **728.5229**

Title: **Staff briefing on proposed ordinance to amend and re-enact the zoning ordinance by reformatting the lists of permitted uses in each zoning district as one table of permitted uses which includes all uses and all zoning districts.**

Action Requested: **No Action (afternoon session briefing).**

Estimated Time: **10 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Presentation

Date	Acting Body	Action
11/5/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The City of Hampton Zoning Ordinance's format for identifying which uses are permitted in which zoning districts is to list each use in each district, either by explicitly stating each use or by reference to another zoning district whose uses are being permitted in said district.

While this method has been in place since the ordinance's adoption in 1960, the complexity of the ordinance has increased greatly over time. Today, it has become very difficult and confusing for citizens and other interested parties to read and comprehend which uses are permitted in which districts.

Staff is proposing to alter this format by deleting each chapter's list of permitted uses and replacing it with

a single “use table”. This use table will list all zoning districts and all uses with symbols identifying which uses are permitted in which districts and by what means they can be permitted (i.e. use permit, special exception, etc.). The use table will provide at-a-glance information that can be easily understood by our citizens.

The proposed amendment *will not change* which uses are permitted in which districts. It will simply reformat the current permitted uses.

Staff expects to bring the amendment to Planning Commission in December and, at Council's direction, to either the December or January City Council meeting.

Staff Briefing to City Council and Planning Commission

Zoning Ordinance Use Table

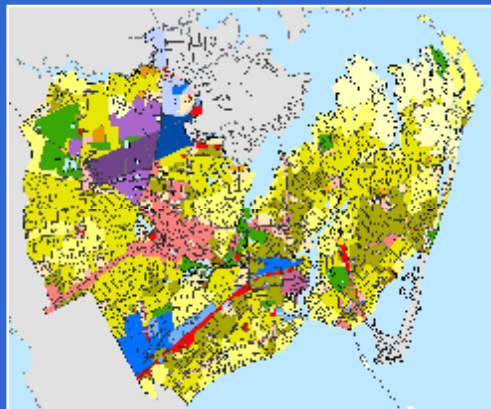


November 13, 2013

Hampton
VIRGINIA

What is zoning?

- The City's ability to regulate how private property is used
- 1924 federal Standard State Zoning Enabling Act
- Every property has a 'bundle of rights'
- Ensures compatibility of adjacent land uses
- Implementation tool for long-range plans

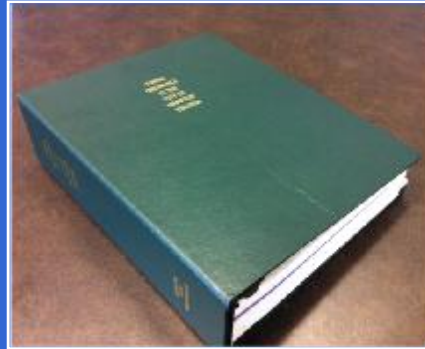


City Council & Planning Commission

November 13, 2013

Zoning in Hampton

- New City of Hampton zoning ordinance of 1960, after merger of Hampton and Elizabeth City County
- Revisions over time, but much of original structure still intact
- Constant need to modernize and simplify ordinance to remain relevant



City Council & Planning Commission

November 13, 2013

What's Allowed Where?

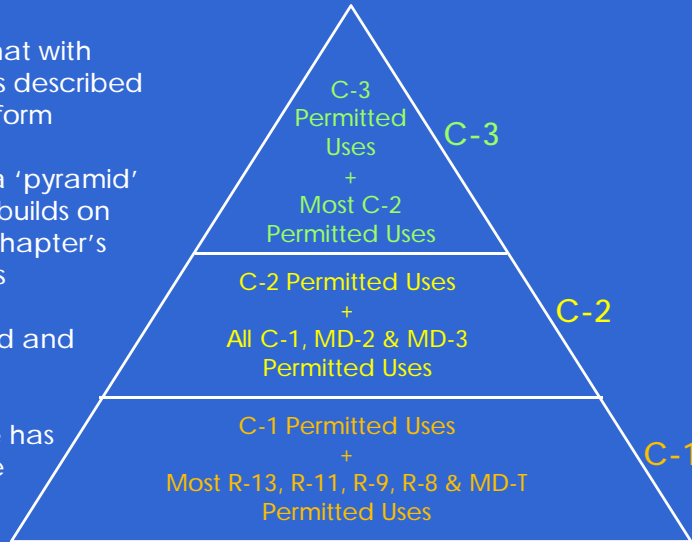
- Base zoning districts (42)
- Overlay zoning districts (7)
- Ways to permit uses
 - By-right
 - Administrative
 - Zoning Administrator PermitApproval by Staff
 - Legislative
 - Use Permit
 - Conditional Privilege
 - Planning Commission Action
 - Special ExceptionApproval by Planning Comm. & City Council
Planning Comm. & City Council
Planning Commission
Board of Zoning Appeals

City Council & Planning Commission

November 13, 2013

Current Ordinance Format

- Long-text format with permitted uses described in paragraph form
- Formatted in a 'pyramid' structure that builds on the previous chapter's permitted uses
- Difficult to read and understand, especially as the ordinance has become more complex



City Council & Planning Commission

November 13, 2013

Current Ordinance Format

Sec. 13-1. -		Sec. 13-1. - Uses permitted; G-1 District		Sec. 13-2. - Uses		Sec. 13-3. - Uses permitted; R-1 District		Sec. 13-4. - Uses		Sec. 13-5. - Uses permitted; R-2 District		Sec. 13-6. - Uses		Sec. 13-7. - Uses permitted; R-3 District		Sec. 13-8. - Uses		Sec. 13-9. - Uses permitted; R-4 District		Sec. 13-10. - Uses		Sec. 13-11. - Uses permitted; R-5 District		Sec. 13-12. - Uses		Sec. 13-13. - Uses permitted; R-6 District		Sec. 13-14. - Uses		Sec. 13-15. - Uses permitted; R-7 District		Sec. 13-16. - Uses		Sec. 13-17. - Uses permitted; R-8 District		Sec. 13-18. - Uses		Sec. 13-19. - Uses permitted; R-9 District		Sec. 13-20. - Uses		Sec. 13-21. - Uses permitted; R-10 District		Sec. 13-22. - Uses		Sec. 13-23. - Uses permitted; R-11 District		Sec. 13-24. - Uses		Sec. 13-25. - Uses permitted; R-12 District		Sec. 13-26. - Uses		Sec. 13-27. - Uses permitted; R-13 District		Sec. 13-28. - Uses		Sec. 13-29. - Uses permitted; R-14 District		Sec. 13-30. - Uses		Sec. 13-31. - Uses permitted; R-15 District		Sec. 13-32. - Uses		Sec. 13-33. - Uses permitted; R-16 District		Sec. 13-34. - Uses		Sec. 13-35. - Uses permitted; R-17 District		Sec. 13-36. - Uses		Sec. 13-37. - Uses permitted; R-18 District		Sec. 13-38. - Uses		Sec. 13-39. - Uses permitted; R-19 District		Sec. 13-40. - Uses		Sec. 13-41. - Uses permitted; R-20 District		Sec. 13-42. - Uses		Sec. 13-43. - Uses permitted; R-21 District		Sec. 13-44. - Uses		Sec. 13-45. - Uses permitted; R-22 District		Sec. 13-46. - Uses		Sec. 13-47. - Uses permitted; R-23 District		Sec. 13-48. - Uses		Sec. 13-49. - Uses permitted; R-24 District		Sec. 13-50. - Uses		Sec. 13-51. - Uses permitted; R-25 District		Sec. 13-52. - Uses		Sec. 13-53. - Uses permitted; R-26 District		Sec. 13-54. - Uses		Sec. 13-55. - Uses permitted; R-27 District		Sec. 13-56. - Uses		Sec. 13-57. - Uses permitted; R-28 District		Sec. 13-58. - Uses		Sec. 13-59. - Uses permitted; R-29 District		Sec. 13-60. - Uses		Sec. 13-61. - Uses permitted; R-30 District		Sec. 13-62. - Uses		Sec. 13-63. - Uses permitted; R-31 District		Sec. 13-64. - Uses		Sec. 13-65. - Uses permitted; R-32 District		Sec. 13-66. - Uses		Sec. 13-67. - Uses permitted; R-33 District		Sec. 13-68. - Uses		Sec. 13-69. - Uses permitted; R-34 District		Sec. 13-70. - Uses		Sec. 13-71. - Uses permitted; R-35 District		Sec. 13-72. - Uses		Sec. 13-73. - Uses permitted; R-36 District		Sec. 13-74. - Uses		Sec. 13-75. - Uses permitted; R-37 District		Sec. 13-76. - Uses		Sec. 13-77. - Uses permitted; R-38 District		Sec. 13-78. - Uses		Sec. 13-79. - Uses permitted; R-39 District		Sec. 13-80. - Uses		Sec. 13-81. - Uses permitted; R-40 District		Sec. 13-82. - Uses		Sec. 13-83. - Uses permitted; R-41 District		Sec. 13-84. - Uses		Sec. 13-85. - Uses permitted; R-42 District		Sec. 13-86. - Uses		Sec. 13-87. - Uses permitted; R-43 District		Sec. 13-88. - Uses		Sec. 13-89. - Uses permitted; R-44 District		Sec. 13-90. - Uses		Sec. 13-91. - Uses permitted; R-45 District		Sec. 13-92. - Uses		Sec. 13-93. - Uses permitted; R-46 District		Sec. 13-94. - Uses		Sec. 13-95. - Uses permitted; R-47 District		Sec. 13-96. - Uses		Sec. 13-97. - Uses permitted; R-48 District		Sec. 13-98. - Uses		Sec. 13-99. - Uses permitted; R-49 District		Sec. 14-1. -		Sec. 14-2. -		Sec. 14-3. -		Sec. 14-4. -		Sec. 14-5. -		Sec. 14-6. -		Sec. 14-7. -		Sec. 14-8. -		Sec. 14-9. -		Sec. 14-10. -		Sec
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City Council & Planning Commission

November 13, 2013

Proposed Ordinance Format

- Change long-text format to use table format
- Provides at-a-glance information about permitted uses without the need to flip between multiple chapters
- Dramatically increases ease-of-use for citizens, Realtors, developers, etc.
- Adopts a format used by many cities nationwide, including all cities of Hampton Roads
- Makes amendments to permitted uses much easier

	C-1	C-2	C-3
Restaurant	P	P	P
Car Wash		P	P
Storage Facility			UP
Funeral Home		UP	UP

City Council & Planning Commission

November 13, 2013

Future Phase

- Use table will allow for easy evaluation of currently permitted uses
- Uses that are inappropriate, outdated, missing, etc. can be more easily identified
- Future ordinance amendments may be proposed to address use issues
 - Which uses are permitted in each district
 - How uses are permitted in each district

	C-1	C-2	C-3
Restaurant	P	P	P
Car Wash		P	P
Storage Facility		UP	UP
Funeral Home		UP P	UP P

City Council & Planning Commission

November 13, 2013

City of Hampton, VA

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov



Council Agenda

Wednesday, November 13, 2013

1:00 PM

Boo Williams Sportsplex

City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris
Snead, Christopher G. Stuart, Donnie R. Tuck,
George E. Wallace, Mayor*

Staff:

Mary Bunting, City Manager

Cynthia Hudson, City Attorney

Katherine K. Glass, CMC, Clerk of Council

Last Published: 11/8/2013 2:39:30 PM

CALL TO ORDER

AGENDA

1. **13-0449** Presentation by Clerk of Circuit Court Regarding Request for Salary Supplement for her Staff
2. **13-0450** Briefing and discussion of City's draft 2014 General Assembly legislative package
3. **13-0451** Update on the Elected School Board Discussion

REGIONAL ISSUES

NEW BUSINESS

CLOSED MEETING

4. **13-0422** Closed session pursuant to Virginia Code Sections 2.2-3711.A.1 and .3
- 13-0432** to consider an appointment to the Grievance Panel.
- 13-0433** to consider an appointment to the Virginia Alcohol Safety Action Program (VASAP)
- 13-0447** to consider an appointment to the Hampton Federal Area Development Authority.
- 13-0448** to consider a recommendation for appointment to the Board of Zoning Appeals.
- 13-0445** to discuss the acquisition of real property interests for a public purpose in the Wythe and Northampton neighborhoods of the city, where discussion in an open meeting would adversely affect the city's bargaining position or negotiating strategy.

CERTIFICATION

5. **13-0423** Resolution Certifying Closed Session

Contact Info:

Clerk of Council, 757-727-6315, council@hampton.gov



City of Hampton, VA

Agenda Review

File Number: 13-0449

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0449**

Request Number: **R-2013-00451**

File Type: **Briefing / Presentation /
Hearing**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Linda Batchelor-Smith**

Phone: **(757) 727-6187**

Presenter: **Linda Batchelor-Smith, Clerk of
Circuit Court**

Phone: **757-727-6187**

Title: **Presentation by Clerk of Circuit Court Regarding Request for Salary Supplement for her
Staff**

Action Requested: **No action required**

Estimated Time: **15 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
11/7/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Council Members Hobbs and Tuck have asked that Linda Batchelor-Smith, Clerk of the Hampton Circuit Court, be granted the opportunity to appear before City Council to discuss the issue of a salary supplement for her staff.



City of Hampton, VA

Agenda Review

File Number: 13-0450

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0450**

Request Number: **R-2013-00452**

File Type: **Briefing / Presentation /
Hearing**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Laura Bateman**

Phone: **(804) 405-5643**

Presenter: **Laura Bateman, Legislative Liaison -
Contractor**

Phone:

Title: **Briefing and discussion of City's draft 2014 General Assembly legislative package**

Action Requested: **Receive briefing; discuss**

Estimated Time: **230 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
11/7/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

On behalf of the city manager, Laura Bateman, the city's state legislative liaison, will brief the council on the proposed legislative package for the upcoming 2014 General Assembly session, and seek council discussion and direction.



City of Hampton, VA

Agenda Review

File Number: 13-0451

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0451**

Request Number: **R-2013-00453**

File Type: **Briefing / Presentation /
Hearing**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Mary Bunting**

Phone: **757-727-6192**

Presenter: **Mary Bunting, City Manager**

Phone: **757-727-6192**

Title: **Update on the Elected School Board Discussion**

Action Requested: **No action required**

Estimated Time: **20 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
11/7/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The City Manager will provide an update on the topic of possible changes to the election of Hampton's School Board.



City of Hampton, VA

Agenda Review

File Number: 13-0422

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0422**

Request Number: **R-2013-00433**

File Type: **Closed Session Motion**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **Closed session pursuant to Virginia Code Sections 2.2-3711.A.1 and .3**

Action Requested: **Convene closed session**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:



City of Hampton, VA

Agenda Review

File Number: 13-0432

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0432**

Request Number: **R-2013-00431**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to consider an appointment to the Grievance Panel.**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Linda Curtis was appointed as Vice Mayor on October 23, 2013. Council is asked to consider a replacement for her on the Grievance Panel.



City of Hampton, VA

Agenda Review

File Number: 13-0433

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0433**

Request Number: **R-2013-00432**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to consider an appointment to the Virginia Alcohol Safety Action Program (VASAP)**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Linda Curtis was appointed as Vice Mayor on October 23, 2013. Council is asked to consider a replacement for her on the VASAP for the term expiring on June 30, 2014.



City of Hampton, VA

Agenda Review

File Number: 13-0447

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0447**

Request Number: **R-2013-00450**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to consider an appointment to the Hampton Federal Area Development Authority.**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
11/5/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Susan Rotkis has served her first full term which will expire on November 30, 2013. She is eligible for reappointment until November 30, 2017.



City of Hampton, VA

Agenda Review

File Number: 13-0448

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0448**

Request Number: **R-2013-00454**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to consider a recommendation for appointment to the Board of Zoning Appeals.**

Action Requested: **discuss in the afternoon.**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
11/6/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Linda Ellis' term on the Board of Zoning Appeals will end on December 31, 2013. The members of the Board of Zoning Appeals are appointed by the Hampton Circuit Court Judges. Council is being asked to consider a recommendation regarding this appointment and the staff is recommending that Council forward Ms. Ellis' name since she is eligible for reappointment.



City of Hampton, VA

Agenda Review

File Number: 13-0445

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0445**

Request Number: **R-2013-00448**

File Type: **Briefing / Presentation /
Hearing**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to discuss the acquisition of real property interests for a public purpose in the Wythe and Northampton neighborhoods of the city, where discussion in an open meeting would adversely affect the city's bargaining position or negotiating strategy.**

Action Requested: **no action required**

Estimated Time: **15 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
11/5/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:



City of Hampton, VA

Agenda Review

File Number: 13-0423

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0423**

Request Number: **R-2013-00434**

File Type: **Closed Session Certification**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **Resolution Certifying Closed Session**

Action Requested: **Adopt resolution**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

LEGISLATION TEXT:

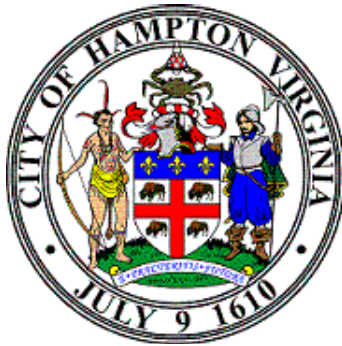
WHEREAS, the City Council of the City of Hampton, Virginia, has convened a closed session on this date pursuant to an affirmative recorded vote made in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712D of the Code of Virginia requires a certification by the City Council of the City of Hampton, Virginia, that such closed meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hampton, Virginia, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the city council of the city of Hampton, Virginia.

City of Hampton, VA

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov



Council Agenda

Wednesday, November 13, 2013

6:00 PM

Council Chambers, 8th Floor, City Hall

City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris
Snead, Christopher G. Stuart, Donnie R. Tuck,
George E. Wallace, Mayor*

Staff:

Mary Bunting, City Manager

Cynthia Hudson, City Attorney

Katherine K. Glass, CMC, Clerk of Council

Last Published: 11/7/2013 4:50:47 PM

CALL TO ORDER / ROLL CALL

PUBLIC COMMENT

ADJOURNMENT

Contact Info:

Clerk of Council, 757-727-6315, council@hampton.gov

City of Hampton, VA

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov



Council Agenda

Wednesday, November 13, 2013

7:00 PM

Council Chambers, 8th Floor, City Hall

City Council

*Linda Curtis, W. H. "Billy" Hobbs, Jr., Will Moffett, Chris
Snead, Christopher G. Stuart, Donnie R. Tuck,
George E. Wallace, Mayor*

Staff:

Mary Bunting, City Manager

Cynthia Hudson, City Attorney

Katherine K. Glass, CMC, Clerk of Council

Last Published: 11/7/2013 5:19:16 PM

WELCOME TO THE HAMPTON CITY COUNCIL MEETING

Because of the large number of matters that need consideration, the City Council has established a meeting format and certain guidelines for citizen participation. These help ensure that everyone who wishes to speak can do so, and that the Council can benefit from hearing as many different people as possible in the shortest time. From time to time, It may be in the public's interest to change the format and guidelines, and the Council can do so at its discretion without prior notice.

THE ORDER OF BUSINESS

The Council generally conducts meetings in the following order:

- (1) Call to Order
- (2) Ceremonial Matters
- (3) Consent Agenda
- (4) Regular Business Agenda
- (5) Miscellaneous New Business
- (6) Adjournment

Agenda items are taken up one at a time in the order in which they are listed. Matters on the consent agenda are routine and are adopted by one motion without separate discussion. However, items can be moved from the consent agenda to the regular agenda upon request by a citizen or a member of the Council. Keep in mind that the agenda is for the convenience of the public and the Council, and that it can be altered by the Council at any time without prior notice when the Council considers it in the public's interest to do so.

CITIZENS ARE INVITED TO PARTICIPATE

The City Council has adopted a three (3) minute time limit policy for individuals desiring to address issues before this body. If you wish to address the City Council, please sign in before the meeting on the sign-up sheet located in the rear of Council Chambers. Please include your name and the subject on which you wish to speak, including the docket number if it is an item on the agenda. If you wish to address Council on a non-agenda item, the permission of Council is necessary.

If you are with a group of people, you may want to have a spokesman or two present your position to the Council and have others in agreement recognized by standing. The Council will always try to hear everyone who wishes to speak on a subject, but sometimes discussion has to be limited due to time. If the previous speaker has stated your position, you may make that known by reference (for example, "I agree with the position stated by Mr. Jones and have nothing further to add"). Repetition of positions by more than one speaker often uses more time than necessary.

Speakers are generally limited to one appearance, although Council can allow exceptions at its discretion. If possible, you should speak from prepared remarks to the subject under discussion. Irrelevant comments use others' time and your own and detract from your statements on the matter being considered.

Meetings of the Council are formal proceedings, and all comments are recorded on tape and by stenographer. For that reason, you are requested not to speak from your seat or out of turn. When you are called by the presiding officer, please follow these steps:

- (1) Come forward to the speaker's podium.
- (2) State your name and address
- (3) State your conclusion and give facts and other data to back it up.
- (4) If you represent a group or organization, ask the others to rise and be recognized.
- (5) If you have a written statement, give it and other supportive material to the Clerk for the record.

The above guidelines are intended to encourage the greatest possible participation by citizens at Council meetings. They can be modified at any time by the Council at its discretion and without prior notice.

Thank you for taking your time to participate in the Council meeting. Good government depends on the interest and involvement of you and your fellow citizens. We invite you to return.

CALL TO ORDER/ROLL CALL

INVOCATION - Vice Mayor Linda Curtis

PLEDGE OF ALLEGIANCE TO FLAG

MAYOR'S COMMENTS

CONSENT AGENDA

Consent Items

1. **13-0424** Approval of the Minutes from the meetings of September 11, 2013 (afternoon, public comment and evening); September 25, 2013 (morning special, afternoon, spotlight on citizens/public comment, and evening special); October 4, 2013 special meeting, October 9, 2013 (afternoon, public comment, and evening); and October 23, 2013 (spotlight on citizens/public comment and special).
2. **13-0430** Approval of Hampton City Council Meeting Schedule for 2014.
3. **13-0401** Resolution Approving Fiscal Year 2014 First Quarter Budget Adjustments
4. **13-0414** Resolution Requesting VDOT to Add the Attached List of New Streets to the State "Principal/Minor Arterial and Collector/Local" Street List
5. **13-0425** Resolution Appropriating Funds from the Hampton History Museum Assigned Fund Balance to be Utilized on Special Projects Contractor
6. **13-0426** Resolution Appropriating \$1,197,083.51, Funds Received from Hampton Roads Sanitation District, from the Capital Projects Miscellaneous Revenue Account to the Capital Project Fund for Design and Construction Costs of the North King Street Corridor Improvements
7. **13-0427** Resolution Appropriating Funds from the Air Power Park Museum FY13 Assigned Fund Balance to be Utilized for Special Programs, Materials and Equipment
8. **13-0428** Ordinance To Amend And Reenact Chapter 37 "Taxation" Of The Code Of The City Of Hampton, Article II, "Real Estate Taxes," Section 37-17.2 "Equalization Of Assessments-Application To Assessor For Hearing", And Section 37-22 "Right Of Appeal To Board; Deadline For Action On Complete Applications."

9. **13-0429** Ordinance To Amend Chapter 24 Of The Code Of The City Of Hampton, Virginia By Repealing Section 24-22, Entitled "Lewd And Lascivious Cohabitation".
10. **13-0434** Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of Funds for the Hampton Clean City Commission from the National Nursing Centers Consortium Vermicomposting Grant.
11. **13-0437** Resolution Authorizing The Acceptance Of A \$10,000.00 Gift From The Peter Criscuolo Living Trust Fund For Use By Hampton Parks And Recreation Department
12. **13-0442** Resolution Determining William Finkenstein, WRF Designs, to be the Only Source Practicable from which to Procure Services to Restore and Repair the Hampton Carousel and Authorizing the Negotiation and Execution of a Purchase Contract with William Finkenstein, WRF Designs, as "Sole Source."
13. **13-0443** Resolution Determining R. A. Newman Organ Company to be the Only Source Practicable from which to Procure Services to Restore and Repair the Hampton Carousel Organ and Authorizing the Negotiation and Execution of a Purchase Contract with R. A. Newman Company as "Sole Source."
14. **13-0446** Resolution Determining Alvean Lyons, Inc. To Be The Only Source Practicably Available From Which To Procure Families Forward Resources And Services And Authorizing The Negotiation And Execution Of A Purchase Contract With Alvean Lyons, Inc. As "Sole Source"

PRESENTATIONS, PROCLAMATIONS, AWARDS

PUBLIC HEARINGS

Use Permit

15. **13-0440** Use Permit Application No. 1090-2013 by Schaubach Rentals LLP to amend the conditions of previously approved Use Permit No. 1071-2011 and expand the operation of an existing recycling sorting facility at 310 E Street (LRSN 100080).

GENERAL ITEMS

Ordinances

16. **13-0435** Ordinance To Amend and Re-enact Chapter 21 of the Code of the City of Hampton, "Motor Vehicles", Article I, "In General", to Add a New Section 21-18, "Use Of Video-Monitoring Systems To Enforce Law Against Passing Stopped School Buses Authorized."
17. **13-0436** Ordinance To Amend And Reenact The Code Of The City Of Hampton, Chapter 27 Entitled "Pawnbrokers; Junk and Secondhand Dealers" And To Add Thereto A New Chapter 27.1 Entitled "Building Fixtures; Scrap Metal Purchasers And Precious Metal Dealers"

Appointments

18. **13-0431** Appointment of Council Members to Various Boards, Commissions and Committees.
19. **13-0432** to consider an appointment to the Grievance Panel.
20. **13-0433** to consider an appointment to the Virginia Alcohol Safety Action Program (VASAP)
21. **13-0447** to consider an appointment to the Hampton Federal Area Development Authority.

REPORTS BY CITY MANAGER, CITY COUNCIL, STAFF, COMMITTEES**MISCELLANEOUS NEW BUSINESS****ADJOURNMENT****Contact Info:**

Clerk of Council, 757-727-6315, council@hampton.gov



City of Hampton, VA

Agenda Review

File Number: 13-0424

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0424**

Request Number: **R-2013-00438**

File Type: **Minutes**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **Approval of the Minutes from the meetings of September 11, 2013 (afternoon, public comment and evening); September 25, 2013 (morning special, afternoon, spotlight on citizens/public comment, and evening special); October 4, 2013 special meeting, October 9, 2013 (afternoon, public comment, and evening); and October 23, 2013 (spotlight on citizens/public comment and special).**

Action Requested: **Approve minutes**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:



City of Hampton, VA

Agenda Review

File Number: 13-0430

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0430**

Request Number: **R-2013-00429**

File Type: **Miscellaneous Consent Item**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **Approval of Hampton City Council Meeting Schedule for 2014.**

Action Requested: **Approve calendar.**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Proposed Calendar

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Council is requested to approve the meeting scheduled for 2014 as attached.

~ January 2014 ~						
◀ Dec 2013						Feb 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 OFFICE CLOSED - New Year's Day	2 Ad published for 1/8 meeting	3 AGENDA PUBLICATION DATE	4
5	6	7	8 MEETINGS: 1 – Work Session 6 – Public Comment 7 - Business	9	10 AGENDA DEADLINE FOR 1/22 MEETING	11
12	13	14 CITY MANAGER'S AGENDA REVIEW MEETING	15	16	17 AGENDA PUBLICATION DATE	18
19	20 OFFICE CLOSED - Martin Luther King	21	22 MEETINGS: 1 – Work Session 5:30 – Spotlight on Citizens / Public Comment	23 AD DEADLINE FOR 2/12 MEETING	24	25
26	27	28	29	30 Ad published for 2/12 meeting	31 AGENDA DEADLINE FOR 2/12 MEETING	Notes:

~ February 2014 ~						
◀ Jan 2014						Mar 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2 Super Bowl / Groundhog Day	3	4 CITY MANAGER'S AGENDA REVIEW MEETING	5	6 Ad published for 2/12 meeting	7 AGENDA PUBLICATION DATE	8
9	10	11	12 MEETINGS: 1 – Work Session 6 – Public Comment 7 - Business	13	14 Valentine's Day AGENDA DEADLINE FOR 2/26 MEETING	15
16	17 OFFICE CLOSED - Presidents' Day	18 CITY MANAGER'S AGENDA REVIEW MEETING	19	20 AD DEADLINE FOR 3/12 MEETING	21 AGENDA PUBLICATION DATE	22
23	24	25	26 MEETINGS: 1 – Work Session 5:30 – Spotlight on Citizens / Public Comment	27 Ad published for 3/12 meeting	28 AGENDA DEADLINE FOR 3/12 MEETING	Notes:

~ March 2014 ~						
◀ Feb 2014						Apr 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 CITY MANAGER'S AGENDA REVIEW MEETING	5	6 Ad published for 3/12 meeting	7 AGENDA PUBLICATION DATE	8
9	10	11	12 MEETINGS: 1 – Work Session 6 – Public Comment 7 – Business	13	14 AGENDA DEADLINE FOR 3/26 MEETING	15
16	17 St. Patrick's Day	18 CITY MANAGER'S AGENDA REVIEW MEETING	19	20 AD DEADLINE FOR 4/9 MEETING	21 AGENDA PUBLICATION DATE	22
23	24	25	26 MEETINGS: 1 – Work Session 5:30 – Spotlight on Citizens / Public Comment	27 Ad published for 4/9 meeting	28 AGENDA DEADLINE FOR 4/9 MEETING	29
30	31	Notes:				

~ April 2014 ~						
◀ Mar 2014						May 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 CITY MANAGER'S AGENDA REVIEW MEETING	2	3 Ad published for 4/9 meeting	4 AGENDA PUBLICATION DATE	5
6	7	8	9 MEETINGS: 1 – Work Session 6 – Public Comment 7 - Business	10	11 AGENDA DEADLINE FOR 4/23 MEETING	12
13	14	15 Tax Day (Taxes Due) CITY MANAGER'S AGENDA REVIEW MEETING	16	17	18 Good Friday AGENDA PUBLICATION DATE	19
20 Easter	21	22 Earth Day	23 Administrative Professionals MEETINGS: 1 – Work Session 5:30 – Spotlight on Citizens / Public Comment 7 p.m. – SPECIAL MEETING (Budget Public Hearing)	24 AD DEADLINE FOR 5/14 MEETING	25 Arbor Day	26
27	28	29	30	Notes:		

~ May 2014 ~						
◀ Apr 2014						Jun 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 Ad published for 5/14 meeting	2 AGENDA DEADLINE FOR 5/14 MEETING	3
4	5	6 CITY MANAGER'S AGENDA REVIEW MEETING	7 1 – SPECIAL MEETING – Work Session (Budget) 7 p.m. – SPECIAL MEETING – 1 st reading of budget	8 Ad published for 5/14 meeting	9 AGENDA PUBLICATION DATE	10
11 Mother's Day	12	13	14 MEETINGS: 1 – Work Session 6 – Public Comment 7 – Business and Budget Adoption – 2 nd reading of budget	15	16 AGENDA DEADLINE FOR 5/28 MEETING	17 Armed Forces Day
18	19	20 CITY MANAGER'S AGENDA REVIEW MEETING	21	22 AD DEADLINE FOR 6/11 MEETING	23 AGENDA PUBLICATION DATE	24
25	26 OFFICE CLOSED - Memorial Day	27	28 MEETINGS: 1 – Work Session 5:30 – Spotlight on Citizens / Public Comment	29 Ad published for 6/11 meeting	30 AGENDA DEADLINE FOR 6/11 MEETING	31

~ June 2014 ~						
◀ May 2014						Jul 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 CITY MANAGER'S AGENDA REVIEW MEETING	4	5 Ad published for 6/11 meeting	6 AGENDA PUBLICATION DATE	7
8	9	10	11 MEETINGS: 1 – Work Session 6 – Public Comment 7 – Business	12	13	14 Flag Day
15 Father's Day	16	17	18	19 AD DEADLINE FOR 7/9 MEETING	20	21
22	23	24	25 NO MEETINGS SCHEDULED	26 Ad published for 7/9 meeting AGENDA DEADLINE FOR 7/9 MEETING	27	28
29	30	Notes:				

~ July 2014 ~						
◀ Jun 2014						Aug 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 CITY MANAGER'S AGENDA REVIEW MEETING	2	3 Ad published for 7/9 meeting AGENDA PUBLICATION DATE	4 OFFICE CLOSED - Independence Day	5
6	7	8	9 MEETINGS: NOON – Special Meeting – Oaths of Office 1 – Work Session 6 – Public Comment 7 – Business	10	11	12
13	14	15	16	17	18	19
20	21	22	23 NO MEETINGS SCHEDULED	24 AD DEADLINE FOR 8/13 MEETING	25	26
27	28	29	30	31 Ad published for 8/13 meeting	Notes:	

~ August 2014 ~						
◀ Jul 2014						Sep 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 AGENDA DEADLINE FOR 8/13 MEETING	2
3	4	5 CITY MANAGER'S AGENDA REVIEW MEETING	6	7 Ad published for 8/13 meeting	8 AGENDA PUBLICATION DATE	9
10	11	12	13 MEETINGS: 1 – Work Session 6 – Public Comment 7 - Business	14	15	16
17	18	19	20	21 AD DEADLINE FOR 9/10 MEETING	22	23
24	25	26	27 NO MEETINGS SCHEDULED	28 Ad published for 9/10 meeting	29 AGENDA DEADLINE FOR 9/10 MEETING	30
31	Notes:					

~ September 2014 ~						
◀ Aug 2014						Oct 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 OFFICE CLOSED - Labor Day	2 CITY MANAGER'S AGENDA REVIEW MEETING	3	4 Ad published for 9/10 meeting	5 AGENDA PUBLICATION DATE	6
7	8	9	10 MEETINGS: 1 – Work Session 6 – Public Comment 7 - Business	11	12 AGENDA DEADLINE FOR 9/24 MEETING	13
14	15	16 CITY MANAGER'S AGENDA REVIEW MEETING	17	18 AD DEADLINE FOR 10/8 MEETING	19 AGENDA PUBLICATION DATE	20
21	22	23	24 MEETINGS: 1 – Work Session 5:30 – Spotlight on Citizens / Public Comment	25 Ad published for 10/8 meeting	26 AGENDA DEADLINE FOR 10/8 MEETING	27
28	29	30 CITY MANAGER'S AGENDA REVIEW MEETING	Notes:			

~ October 2014 ~						
◀ Sep 2014						Nov 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2 Ad published for 10/8 meeting	3 AGENDA PUBLICATION DATE	4
5	6	7	8 MEETINGS: 1 – Work Session 6 – Public Comment 7 – Business	9	10 AGENDA DEADLINE FOR 10/22 MEETING	11
12	13 Columbus Day	14 CITY MANAGER'S AGENDA REVIEW MEETING	15	16	17 AGENDA PUBLICATION DATE	18
19	20	21	22 MEETINGS: 1 – Work Session 5:30 – Spotlight on Citizens / Public Comment	23 AD DEADLINE FOR 11/12 MEETING	24	25
26	27	28	29	30 Ad published for 11/12 meeting	31 Halloween AGENDA DEADLINE FOR 11/12 MEETING	Notes:

~ November 2014 ~						
◀ Oct 2014						Dec 2014 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Election Day CITY MANAGER'S AGENDA REVIEW MEETING	5	6 Ad published for 11/12 meeting	7 AGENDA PUBLICATION DATE	8
9	10	11 OFFICE CLOSED - Veterans' Day	12 MEETINGS: 1 - Work Session 6 - Public Comment 7 - Business	13	14	15
16	17	18	19	20 AD DEADLINE FOR 12/10 MEETING	21	22
23	24	25	26 NO MEETINGS SCHEDULED AGENDA DEADLINE FOR 12/10 MEETING	27 OFFICE CLOSED - Thanksgiving Ad published for 12/10 meeting	28	29
30	Notes:					

◀ Nov 2014 ~ December 2014 ~ Jan 2015 ▶						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 CITY MANAGER'S AGENDA REVIEW MEETING	3	4 Ad published for 12/10 meeting	5 AGENDA PUBLICATION DATE	6
7	8	9	10 MEETINGS: 1 – Work Session 6 – Public Comment 7 – Business	11	12	13
14	15	16	17	18	19	20
21	22	23 AD DEADLINE FOR 1/14/15 MEETING	24 NO MEETINGS SCHEDULED	25 OFFICE CLOSED - Christmas	26	27
28	29	30	31	Notes: NEXT COUNCIL MEETING IS JANUARY 14, 2015 Advertising Deadline – December 23, 2014 Item Submission Deadline – January 2, 2015 Agenda Review Meeting – January 6, 2015		



City of Hampton, VA

Agenda Review

File Number: 13-0401

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0401

Request Number: R-2013-00399

File Type: Resolution - Budget Item

Department: Budget/Finance

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Lori Braen

Phone:

Requestor: Gloria L. Washington

Phone: (757) 727-6377

Presenter: Gloria L. Washington, Director,
Office of Budget and Management
Analysis

Phone: (757) 727-6377

Title: Resolution Approving Fiscal Year 2014 First Quarter Budget Adjustments

Action Requested: Approve resolution on first and final reading.

Estimated Time: One Minute

Indicators:

Advertised:

Fiscal Notes:

Attachments: FY 2014 First Quarter Budget Adjustments

Date	Acting Body	Action
9/30/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The City Charter requires City Council to approve any appropriations transferred from one department to another department and any appropriation of additional revenues or reduction in revenues. The attached represents budget adjustments required for the first quarter of fiscal year 2014. The adjustments which require City Council notification will be sent to City Council under separate cover.

LEGISLATION TEXT:

BE IT RESOLVED, by the City Council of the City of Hampton, Virginia that the attached Fiscal Year 2014

first quarter budget adjustments pertaining to appropriations transferred from one department to another department as well as the appropriation of additional revenues be approved on first and final reading.

Fiscal Year 2014 Budget Adjustments for City Council ACTION

First Quarter {July 1, 2013 - September 30, 2013}

General Fund

<u>Department</u>	<u>Amount</u>	<u>Explanation</u>
Community Development		
Personal Services	\$0.00	Transfer from Public Works - Streets and Roads to
Operating Expenses	7,980.00	fund the cost of an office addition for a right-of-way
Capital Outlay	0.00	coordinator.
Total	7,980.00	
Hampton History Museum		
Personal Services	0.00	Transfer funding budgeted for utility services
Operating Expenses	(40,779.00)	(electrical) to Public Works - Facilities Management
Capital Outlay	0.00	to centralize billing and payment.
Total	(40,779.00)	
Information Technology		
Personal Services	0.00	Transfer to Municipal Council to fund the live
Operating Expenses	(15,600.00)	streaming on Granicus (the legislative software
Capital Outlay	0.00	system), thus consolidating payments made to the
Total	(15,600.00)	same vendor.
Municipal Council		
Personal Services	0.00	Transfer from Information Technology to fund the
Operating Expenses	15,600.00	live streaming on Granicus (the legislative software
Capital Outlay	0.00	system), thus consolidating payments made to the
Total	15,600.00	same vendor.
Parks and Recreation - Parks Division		
Personal Services	0.00	Transfer to the Recreation Division to fund the
Operating Expenses	(4,980.00)	annual cost of alarm systems for the City's
Capital Outlay	0.00	community centers and off-site park facilities
Total	(4,980.00)	such as Darling Stadium.
Parks and Recreation - Recreation Division		
Personal Services	0.00	Transfer from the Parks Division to fund the annual
Operating Expenses	4,980.00	cost of alarm systems for the City's community
Capital Outlay	0.00	centers and off-site park facilities such as
Total	4,980.00	Darling Stadium.
Public Works: Facilities Maintenance		
Personal Services	0.00	Transfer from Hampton History Museum to centralize
Operating Expenses	40,779.00	the billing and payment of utility services (electrical)
Capital Outlay	0.00	
Total	40,779.00	
Public Works: Streets and Roads		
Personal Services	0.00	Transfer to Community Development to fund the
Operating Expenses	(7,980.00)	cost of an office addition for a right-of-way
Capital Outlay	0.00	coordinator position.
Total	(7,980.00)	
Grand Total	\$.	



City of Hampton, VA

Agenda Review

File Number: 13-0414

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0414**

Request Number: **R-2013-00412**

File Type: **Resolution**

Department: **Public Works, Administration**

Introduced: **10/23/2013**

Date of Final Action:

Enactment Number:

Effective: **11/13/2013**

Status: **Received By Clerk's Office**

Created By: **Crystal Craig**

Phone:

Requestor: **Lynn Allsbrook**

Phone: **62930**

Presenter: **Lynn Allsbrook, Deputy
Director/City Engineer**

Phone: **62930**

Title: **Resolution Requesting VDOT to Add the Attached List of New Streets
to the State "Principal/Minor Arterial and Collector/Local" Street List**

Action Requested: **Approve Resolution**

Estimated Time: **N/A**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Request for Street Additions or Deletions

Date	Acting Body	Action
10/14/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Periodically a list of new streets which have been constructed within the City is compiled and sent to VDOT for maintenance fund eligibility. Once VDOT accepts these roads into the maintenance system the City receives annual funding in support of these roads. Part of the process is City Council adoption of a Resolution submitting the new lane miles. Only public roads are included.

This application adds a net of 0.98 lane miles. The principal cause of these new lane miles was completion of new subdivisions.

Approval of this Resolution will result in approximately \$10,750 +/- of additional VDOT Urban Maintenance Funds to offset the City's cost of upkeep for these new lane miles.

LEGISLATION TEXT:

RESOLUTION

WHEREAS, the Virginia General Assembly on February 22, 1985 passed House Bill 1269 requiring municipal streets to be divided into two (2) categories: "Principal/Minor Arterial Roads and Collector/Local Streets"; and

WHEREAS, the Virginia State Highway and Transportation Commission on July 1, 1985 revised its policy concerning street addition/deletions as a result of Virginia General Assembly House Bill 1269; and

WHEREAS, the City of Hampton contains roadway which have been built as a result of new construction; and

WHEREAS, the Hampton City Council wishes to add various roadways as "Principal/Minor Arterial Roads and Collector/Local Streets" in order to qualify for municipal assistance payments;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA: that the Hampton City Council requests that the attached list of roadways be added to the "Principal/Minor Arterial Roads and Collector/Local Streets" list.

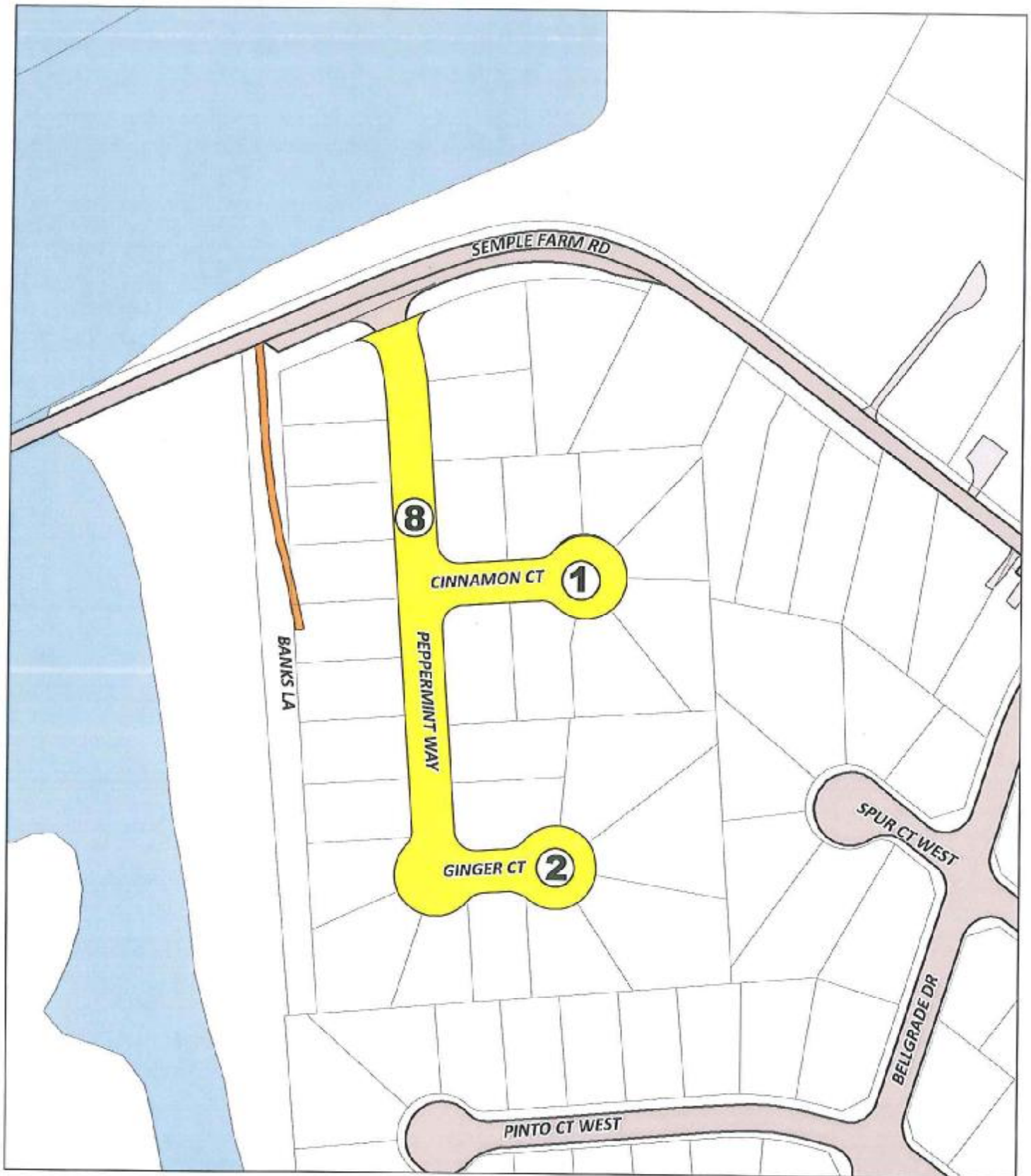
BE IT FURTHER RESOLVED, that the Hampton City Council urges the Commonwealth Transportation Board to approve this request as submitted.

REQUEST FOR STREET ADDITIONS OR
DELETIONS FOR MUNICIPAL ASSISTANCE
PAYMENTS Section 33.1-4.1.1
Code of Virginia

*COUNCIL RESOLUTION & MAP ATTACHED

[illegible]

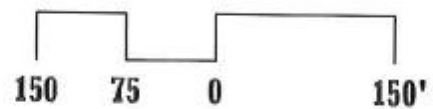
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TPD ENGINEER _____
DATE _____



City of Hampton, Va.
2014 VDOT Road Submittal

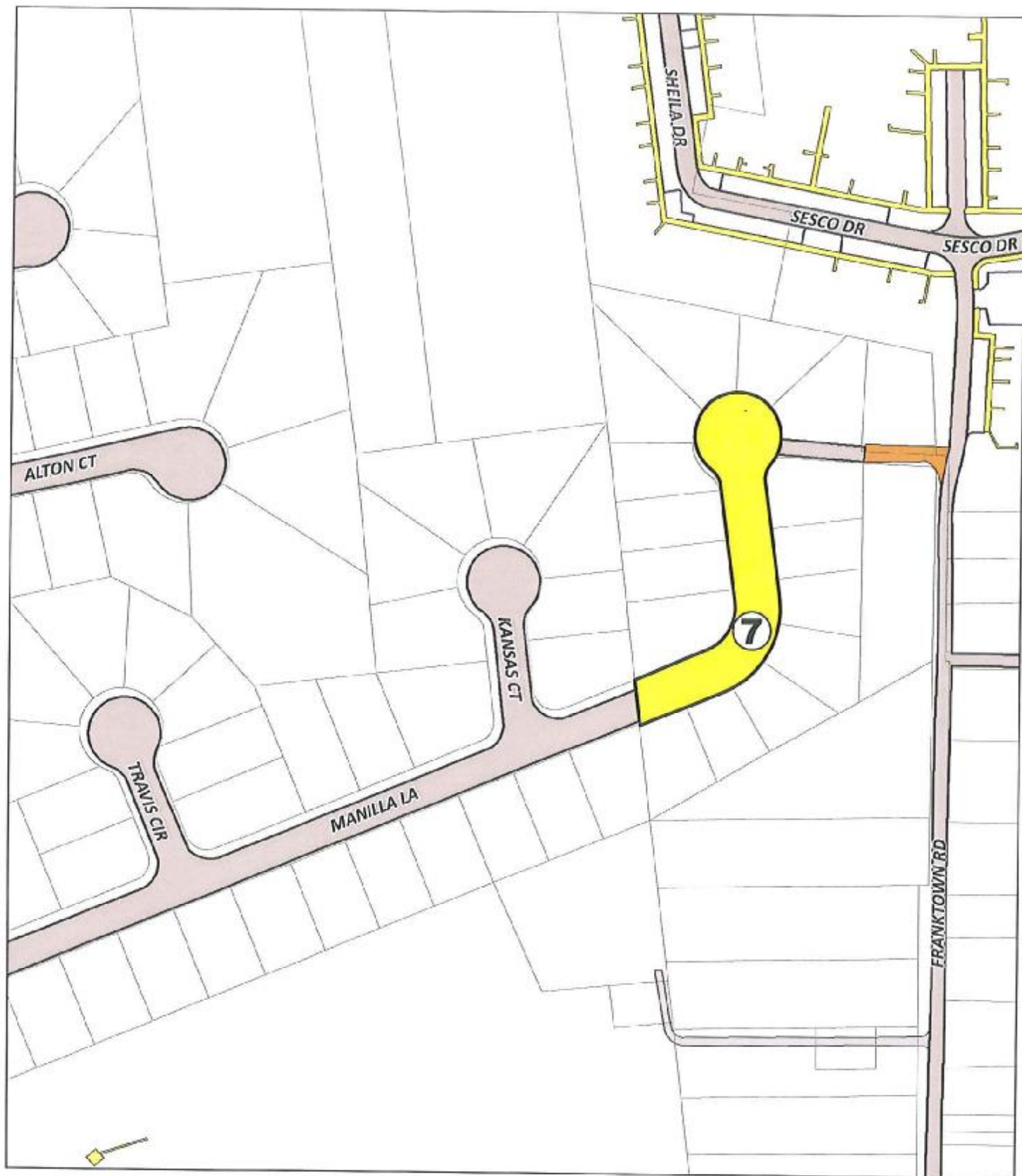
*Prepared by: Department of Public Works -Engineering
and Public Works - Street Operations Division*

Scale: 1" = 150'



Map printed: 28 September, 2013

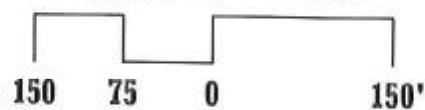




City of Hampton, Va.
2014 VDOT Road Submittal

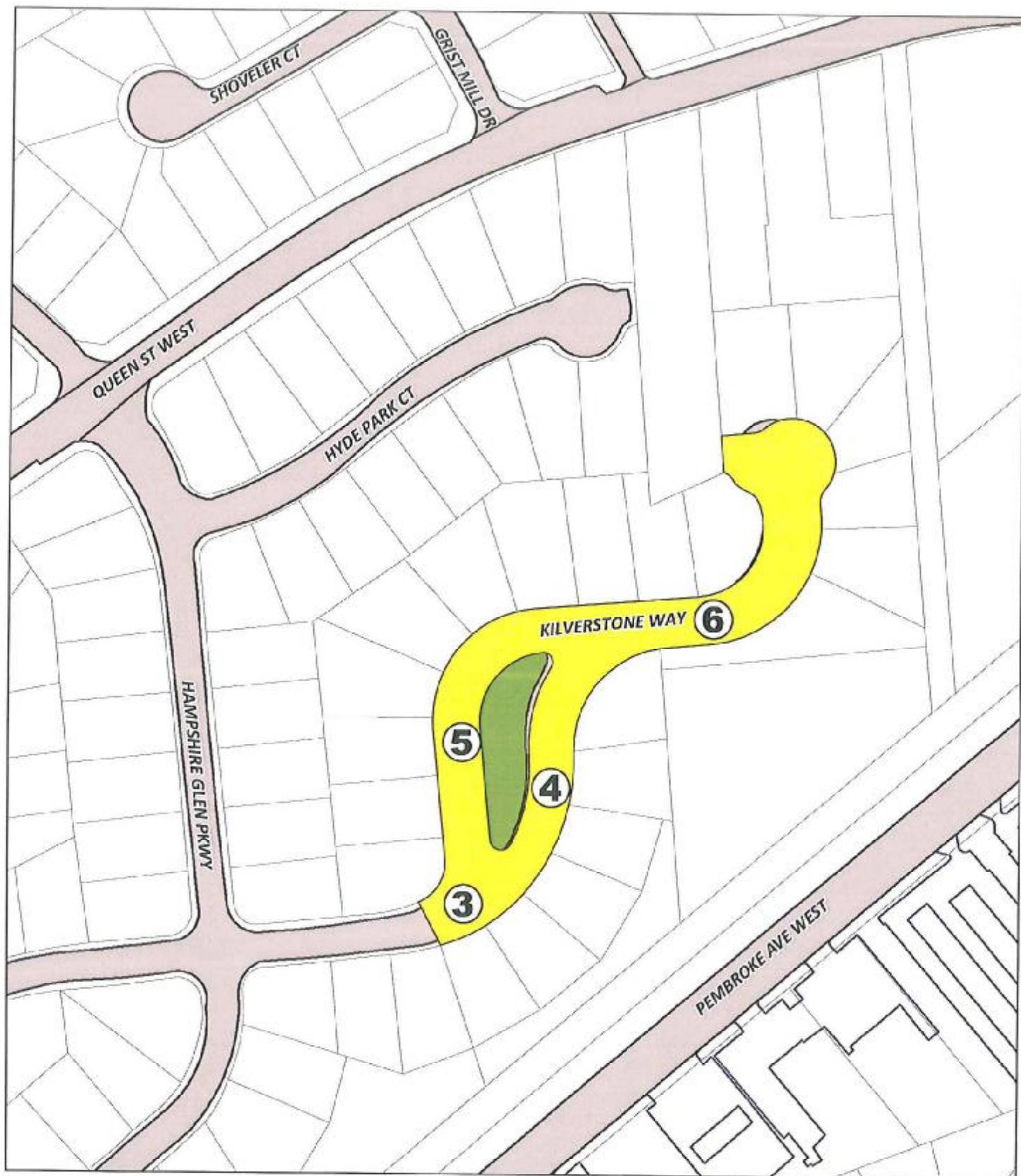
*Prepared by: Department of Public Works -Engineering
and Public Works - Street Operations Division*

Scale: 1" = 150'



Map printed: 28 September, 2013

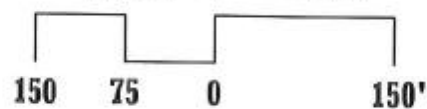




City of Hampton, Va.
2014 VDOT Road Submittal

*Prepared by: Department of Public Works -Engineering
and Public Works - Street Operations Division*

Scale: 1" = 150'



Map printed: 28 September, 2013





City of Hampton, VA

Agenda Review

File Number: 13-0425

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0425

Request Number: R-2013-00392

File Type: Resolution - Budget Item

Department: Parks and Recreation

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Jan Burgess

Phone:

Requestor: Lucy Cochran

Phone: 727-6436

Presenter:

Phone:

Title: Resolution Appropriating Funds from the Hampton History Museum Assigned Fund
Balance to be Utilized on Special Projects Contractor

Action Requested: Adopt Resolution

Estimated Time: 1

Indicators:

Advertised:

Fiscal Notes: \$4,000 -

Attachments: Towards Freedom Program

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Funds will be used to underwrite the exhibition **Toward Freedom: The Story of the Contraband**. The Hampton History Museum will present an original and powerful exhibition telling the story of the men, women and children we now call the "Contraband." The goal of the exhibition is to explore critical questions surrounding slavery and the individuals who changed the world by their actions just one month into the American Civil War.

LEGISLATION TEXT:

BE IT RESOLVED by the Council of the City of Hampton, Virginia that \$4,000.00 be appropriated from the History Museum Assigned Fund Balance to be used to underwrite the exhibition ***Toward Freedom: The Story of the Contraband***. The Hampton History Museum will present an original and powerful exhibition telling the story of the men, women and children we now call the "Contraband." The goal of the exhibition is to explore critical questions surrounding slavery and the individuals who changed the world by their actions just one month into the American Civil War.



Toward Freedom

An original exhibition by the Hampton History Museum

Submitted by:

Luci Talbot Cochran

Director, Hampton History Museum

120 Old Hampton Lane, Hampton, VA 23669

757.727.6436 Office 757.504.6079 Cell

lcochran@hampton.gov

www.hamptonhistorymuseum.org

Toward Freedom

An original exhibition by the Hampton History Museum

Overview of Exhibition

The Hampton History Museum will present an original and powerful exhibition telling the story of the men, women and children we now call the “Contraband.” The goal of the exhibition is to explore critical questions surrounding slavery and the individuals who changed the world by their actions just one month into the American Civil War. We believe history is not about answers but about questions. In this exhibition, we investigate the question of “Who Freed the Slaves?” Additional questions we will examine include how the act of three brave men changed the outcome of the war and the lives of millions of slaves; and why the story of the Contrabands is not better known.

Content of Exhibition

On May 25, 1861, three young men seized the moment, ceased working as slaves, escaped to union-held Fort Monroe near Hampton, and petitioned for their freedom. The story of their situation and decision to go to Fort Monroe is told in detail. In this exhibition we introduce the world to three courageous men, Shepard Mallory, Frank Baker, and James Townsend. In response to their actions, Maj. Gen. Benjamin F. Butler, the commander of Union forces in the area, accepted their plea, proclaiming them “contraband of war.” Word spread and starting in eastern Virginia, enslaved people abandoned plantations and farms and brought their families to gather by the thousands at Fort Monroe – which the contrabands called “Freedom’s Fort.”

We look at the lives of the thousands of contraband who came to Hampton, removing the label and instead telling the story of the real men, women and children who, in many ways became political activists by moving toward freedom and taking brave action in the midst of war.

Important aspects of this story are investigated including the development of contraband camps in Hampton and elsewhere in the south. Locally, contrabands lived in two camps, near Fort Monroe and the other amidst the rubble of the City of Hampton which was deserted and burned to the ground by its Confederate inhabitants and guardians to prevent refugee slaves or Union troops from using their homes and businesses. We explore what these camps and cabins meant to the men, women and children who were emerging out of slavery and living on “consecrated free ground” in the cabins and communities they built for themselves. In addition, we expose the conditions of the camps and harsh reality of freedom at a price.

Like people throughout history, the Contraband deeply desired freedom, education, and land so that they could provide for themselves. The importance of education in their transition to freedom as well as schools and other critical institutions are surveyed. Through their personal stories, we will share their experiences and aspirations, using their own words and images.

Other threads examined in this important story include the context of these actions in the midst of war. The burning of Hampton dramatically changed the City’s landscape, removing the slaveholders from land and allowing the opportunity for contraband to build camps. Pivotal events of the war including the Peninsula Campaign and the Battle of Big Bethel also played a critical role in setting the stage for the Contraband decision and the individuals involved. In addition, the fact that many Contraband

became soldiers, sailors and laborers for the Union Army greatly contributed to the winning of the war is studied.

Importantly, this exhibition explores the legacy of the actions of Shepard Mallory, Frank Baker, and James Townsend after the American Civil War ended, and those national changes and initiatives, including Reconstruction, and the 13th, 14th and 15th Amendments to the Constitution, that directly impacted the lives of those once called “Contraband.” Many former slaves saw limitation on their freedom enforced in the South and lived in harsh conditions after the war – as a result of Jim Crow and the development of African American businesses and the seafood industry. Locally, the influence of these individuals was powerful. The legacy of the Contrabands on the shape of Hampton’s neighborhoods, culture, institutions and even individuals will be analyzed.

Why This Exhibition

The mission of the Hampton History Museum is “to build a better future by exploring and preserving our past.” This exhibition is part of our overall strategy to share the truth of our past and learn from it to guide our public actions. This is an important cornerstone of our vision moving forward and we believe the conversations launched at the Museum will reverberate throughout the community as it discusses how to tackle the challenges of today.

As an institution, the Hampton History Museum is a powerful tool in building community. History is one of the most powerful ways to do that. Indeed, history or our collective memory is how we become a community as we share stories, ideas and beliefs and come together in the process. The events involved with the Contraband history changed the country and is a story that every child and adult should know – and it happened right here in Hampton.

Understanding has never been driven by answers but by questions. History museums should not be about answers but about the questions our history raises and therefore creates the opportunity to discuss meaning. This change turns history from a passive learning experience into an engaging exploration that will impact our community.

What are the Goals of “*Toward Freedom?*”

Our overall goal is to increase engagement in history and to continue a conversation about the making and meaning of history. We also want to make history more accessible to diverse audiences on the Virginia Peninsula. We project that within the first year of implementation, we could reach an additional 10,000 individuals (minimum) through both on- and off-site activities. Through providing more people with access to history, our goal is to also increase memberships to this organization from these new “customers” and therefore help ensure the Hampton History Museum’s sustainability as a resource for the entire community.

We will also expand this exhibition’s reach by using elements of the larger design to create a traveling program that can be seen by a wider audience in libraries, community centers, schools, etc. In addition, one element being designed for this exhibition – a cabin – will be installed in our main galleries downstairs to deepen the learning about the Contraband men, women and children that changed a nation.



City of Hampton, VA

Agenda Review

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0426

File Number: **13-0426**

Request Number: **R-2013-00413**

File Type: **Resolution - Budget Item**

Department: **Public Works, Administration**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective: **11/13/2013**

Status: **Received By Clerk's Office**

Created By: **Crystal Craig**

Phone:

Requestor: **Gayle Hicks**

Phone: **76284**

Presenter: **Gayle Hicks, Water Resources
Engineer**

Phone: **76284**

Title: **Resolution Appropriating \$1,197,083.51, Funds Received from Hampton Roads
Sanitation District, from the Capital Projects Miscellaneous Revenue Account to the
Capital Project Fund for Design and Construction Costs of the North King Street
Corridor Improvements**

Action Requested: **Approve Resolution**

Estimated Time: **N/A**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body
10/31/2013	

Action
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Per the City agreement with Hampton Roads Sanitation District dated August 31, 2011 under Additional Services HRSD may employ the engineer (designer) for additional services for bid, construction, and post-construction phase services, under a separate scope and fee proposal and with written agreement by HRSD and the City. HRSD was notified by their consultant who was engaged to provide a condition assessment on the existing gravity system that the sewer along the N. King Street Corridor Improvements project area was in need of repair and/or replacement. Accordingly, HRSD's design engineer provided design plans, specifications, and an engineering estimate in order to be able to add this rehabilitation work to the existing City contract with Basic Construction. HRSD has agreed to reimburse the city for the gravity replacement/rehabilitation work, including inspection services. The upgrades consist of replacement of approximately 2,200 linear feet of pipe and manholes from Langley Circle Pump Station to HRSD PS 23 on Thornrose Street.

In order to transfer this system to the City upon completion of the new North King Street force main, previously constructed as

part of the original agreement, and avoid future disruption to the roadway, HRSD requested to include the gravity system/replacement/rehabilitation as part of the Roadway/Force Main project.

HRSD has already transferred the full amount of the design cost as a change order and will transfer the full amount of the construction and inspection costs (\$1,197,083.51) for the gravity sewer replacement/rehabilitation within one month of September 25, 2013. The City will continue to administer all aspects of the construction in accordance with the approved specifications, details, and bid documents. Also, per the Agreement, HRSD will be included in all scheduled construction meetings related to the gravity sewer and receive copies of all progress updates and expenditure reports. The City will draw upon the contract amount for the payment of invoices for construction and inspection costs.

The City anticipates the construction of the gravity sewer replacement/rehabilitation to begin in November 2013.

LEGISLATION TEXT:

WHEREAS, Hampton Roads Sanitation District ("HRSD") and the City currently own and operate interconnected gravity sewer infrastructure in the North King Street area of the City of Hampton as part of the Regional Sanitary Sewer System, and HRSD and the City have completed the Hampton Study Business Case Evaluation to address certain identified capacity issues within the Regional Sanitary Sewer System; and

WHEREAS, the City is currently constructing the North King Street Corridor Improvements, which includes wastewater force main and pump station improvements, together with all connections, valves, vents, and related appurtenances thereto, and to constructing a portion of certain sanitary sewer improvements, know as Alternative 7A-023-PS Reroute in the Hampton Study Business Case Evaluation, as part of the North King Street Corridor Improvements (the "Project"); and

WHEREAS, HRSD has determined that in addition to the force main and pump station improvements, the existing gravity sewer system is in need of replacement/rehabilitation, including lined sanitary sewer pipe and manholes; and

WHEREAS, HRSD has reviewed, approved and paid for final plans and specifications for the replacement/rehabilitation; and

WHEREAS, the additional work related to the Project has been approved by the existing City contractor, with construction to commence in October 2013; and

WHEREAS, pursuant to the Agreement for Payment of Costs of Design and Construction of North King Street Force Main Hampton Study Alternative 7A dated August 31, 2011, HRSD has agreed to fund the necessary improvements, including inspection services, for completion of the Project; and

WHEREAS, HRSD has agreed to pay \$1,197,083.51 to the City and the City will use such funds to draw upon this contract amount for the payment of invoices only upon written receipt of HRSD's approvals in accordance with the terms of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HAMPTON, VIRGINIA: as follows

1. That the Resolution seeking appropriation of \$1,197,083.51, funds received from Hampton Roads Sanitation District, from the Capital Projects Miscellaneous Revenue Account to the Capital Project Fund for improvements to the North King Street Corridor Improvements is approved; and

2. That the City Manager or her authorized designee is authorized to execute any additional contracts or agreements relating to the Project.



City of Hampton, VA

Agenda Review

File Number: 13-0427

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0427

Request Number: R-2013-00423

File Type: Resolution

Department: Parks and Recreation

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Jan Burgess

Phone:

Requestor: LaVon Marrow

Phone: 728-3220

Presenter:

Phone:

Title: Resolution Appropriating Funds from the Air Power Park Museum FY13 Assigned Fund Balance to be Utilized for Special Programs, Materials and Equipment

Action Requested: Approve Resolution

Estimated Time: 5

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The Air Power Park Museum receives monetary donations from local residents of Hampton, tourists and aviation enthusiast who tour the museum and park. Donations that are collected are used to promote programs and activities for youth and families, repair model air planes and other artifacts on exhibit and the donations also purchase display cases. Donated funds are solely used for the promotion of the Air Power Park Museum.

LEGISLATION TEXT:

RESOLUTION

Whereas, Air Power Park Museum receives monetary donations from local residents of Hampton, tourists and aviation enthusiast who tour the museum and park. Donations that are collected are used to promote programs and activities for youth and families, repair model air planes and other artifacts on exhibit and the donations also purchase display cases. Donated funds are solely used for the promotion of the Air Power Park Museum. The Air Power Park Museum does not have an operating budget; and

Whereas, Air Power Park facility closed its doors for one year after it was vacated by School Age Programs in 2010. The facility re-opened its doors two years ago, returning the facility back into what it was originally intended to be; a museum, thus far bringing over 16,000 visitors through museum and park. Multiple partnerships have been formed with; the Convention and Visitors Bureau, Air and Space Museum, Military Affairs, NASA, the Tuskegee Airmen and countless retired airmen and women who have served in all branches of the military who also volunteer at the museum as docents. A total of 25,000 hours have been recorded to date. To continue to attract tourism and visitors to the museum it is imperative that the donated funds be used to create and implement programs that enrich each visitor's experience.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Hampton, appropriates \$3,054.39 from the Air Power Park and Museum Donations FY13 Assigned Fund Balance to be used towards the purchase of Equipment, Material and Supplies for Special Programs pertaining to: **Aviation and the Creation of Aerial Systems.**



City of Hampton, VA

Agenda Review

File Number: 13-0428

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0428

Request Number: R-2013-00424

File Type: Ordinance - Coded

Department: City Attorney

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Lendora Dale

Phone:

Requestor: Karen James

Phone: 727-6127

Presenter: Brian Gordineer, City Assessor

Phone: 728-5185

Title: Ordinance To Amend And Reenact Chapter 37 "Taxation" Of The Code Of The City Of Hampton, Article II, "Real Estate Taxes," Section 37-17.2 "Equalization Of Assessments-Application To Assessor For Hearing", And Section 37-22 "Right Of Appeal To Board; Deadline For Action On Complete Applications."

Action Requested: Approve on Motion

Estimated Time: 5 Minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments: Redline
Powerpoint

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

In preparation for the FY2015 reassessment it is necessary to amend City Code Sections 37-17.2 and 37-22 "Office Review" deadline from March 15 to March 1, which will make the existing "Board of Review" deadline of April 1 at least thirty (30) days following the revised March 1 "Office Review", deadline, to comply with the notification requirements of Code of Virginia Section 58.1- 3378. The amendment to City Code Section 37-22 is necessary to change the mailing of the Notice of the Change in Assessments from forty (45) days to sixty (60) days to maintain the existing thirty (30) day "Office Review" appeal period and comply with the "Board of Review" April 1 application appeal deadline.

LEGISLATION TEXT:

BE IT ORDAINED by the City Council of Hampton, Virginia, that the Code of the City of Hampton, Virginia, be amended and re-enacted to read as follows:

Sec. 37-17.2. - Equalization of assessments—Application to assessor for hearing.

Any property owner or lessee of real property in the city shall have the right to appeal any assessment thereof to the city's real estate assessor in writing at any time prior to March 1 of the year for which the assessment is made or within thirty (30) days after the date of the notice of the change in assessment, whichever is later. If the appeal is filed by an agent of the owner or lessee, the agent shall submit a notarized statement from the owner or lessee authorizing the agent to file the appeal. The assessor may schedule specific dates for hearings on assessments or the assessor may grant a hearing by appointment. The assessor may authorize persons employed in the assessor's office who are competent to do so to hold any hearing pursuant to this section, provided that the evidence presented or a summary thereof is transmitted to the assessor for action.

.....

Sec. 37-22. - Same—Right of appeal to board; deadline for action on complete applications.

Any person aggrieved by any assessment made by the office of the assessor of real estate may apply for review or appeal of same to the board of review of real estate assessments, provided such appeal is filed on forms provided by the board of review by April 1 of the year for which the assessment is made or within sixty (60) days of the date of the notice of the change in assessment, whichever is later. When the board considers any case involving commercial, industrial, or multi-family residential property, at least one (1) member who is a real estate professional shall be present and participate in hearing the case unless waived by the taxpayer.

The board shall finally dispose of all complete applications filed in a timely manner by the June 30 immediately preceding the July 1 effective date for which taxes on such contested assessed value will be levied, except that any real estate newly assessed after the January 1 immediately preceding the July 1 effective date shall be subject to review until and disposed of by June 30 of the following year. The assessor shall notify all owners of real estate of such deadlines on the annual notice of assessment.

Sec. 37-17.2. - Equalization of assessments—Application to assessor for hearing.

Any property owner or lessee of real property in the city shall have the right to appeal any assessment thereof to the city's real estate assessor in writing at any time prior to March 45 ¹ of the year for which the assessment is made or within thirty (30) days after the date of the notice of the change in assessment, whichever is later. If the appeal is filed by an agent of the owner or lessee, the agent shall submit a notarized statement from the owner or lessee authorizing the agent to file the appeal. The assessor may schedule specific dates for hearings on assessments or the assessor may grant a hearing by appointment. The assessor may authorize persons employed in the assessor's office who are competent to do so to hold any hearing pursuant to this section, provided that the evidence presented or a summary thereof is transmitted to the assessor for action.

.....

Sec. 37-22. - Same—Right of appeal to board; deadline for action on complete applications.

Any person aggrieved by any assessment made by the office of the assessor of real estate may apply for review or appeal of same to the board of review of real estate assessments, provided such appeal is filed on forms provided by the board of review by April 1 of the year for which the assessment is made or within ~~forty-five (45)~~ ^{sixty (60)} days of the date of the notice of the change in assessment, whichever is later. When the board considers any case involving commercial, industrial, or multi-family residential property, at least one (1) member who is a real estate professional shall be present and participate in hearing the case unless waived by the taxpayer.

The board shall finally dispose of all complete applications filed in a timely manner by the June 30 immediately preceding the July 1 effective date for which taxes on such contested assessed value will be levied, except that any real estate newly assessed after the January 1 immediately preceding the July 1 effective date shall be subject to review until and disposed of by June 30 of the following year. The assessor shall notify all owners of real estate of such deadlines on the annual notice of assessment.

ASSESSMENT APPEAL DEADLINES

Office of the Assessor
of Real Estate



Hampton
VIRGINIA



City Council
November 13, 2013

Current Schedule

- ✦ Feb. 15 – Change Notices Mailed
- ✦ Mar. 15 – Office Review Appeal Deadline
- ✦ Apr. 1 – Board of Review Appeal Deadline
- ✦ Jun. 30 – Board of Review Complete Work

Virginia Code 58.1-3378 Revised
Minimum of 30 days between Office Review
and Board of Review Appeal deadlines

Proposed Schedule

- ✦ Jan. 28 – Change Notices Mailed
- ✦ **Mar. 1 – Office Review Appeal Deadline**
- ✦ Apr. 1 – Board of Review Appeal Deadline
- ✦ Jun. 30 – Board of Review Complete Work

Municipal Code 37-12.1 – March 15 ➔ March 1

Municipal Code 37-22.1 – 45 days ➔ 60 days



City of Hampton, VA

Agenda Review

File Number: 13-0429

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0429**

Request Number: **R-2013-00428**

File Type: **Ordinance - Coded**

Department: **City Attorney**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective: **11/13/2013**

Status: **Received By Clerk's Office**

Created By: **Lesa Yeatts**

Phone:

Requestor: **Lesa Yeatts**

Phone:

Presenter: **Lesa Yeatts, Sr. Deputy City Attorney**

Phone:

Title: **Ordinance To Amend Chapter 24 Of The Code Of The City Of Hampton, Virginia By Repealing Section 24-22, Entitled "Lewd And Lascivious Cohabitation".**

Action Requested: **Adopt ordinance**

Estimated Time: **5 min**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Redline

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Repeal of this section is necessary because the General Assembly repealed the corresponding Virginia Code earlier this year.

LEGISLATION TEXT:

BE IT ORDAINED by the City Council of Hampton, Virginia, that the Code of the City of Hampton, Virginia, be amended and re-enacted to read as follows:

Section 24-22 - Repealed.

Section 24-22 ~~--Lewd and lascivious cohabitation~~ *Repealed*.

~~If any persons, not married to each other, lewdly and lasciviously associate and cohabit together, or whether married or not, be guilty of open and gross lewdness and lasciviousness, each of them shall be guilty of a Class 3 misdemeanor. Upon a repetition of the offense, and conviction thereof, each of them shall be guilty of a Class 1 misdemeanor.~~



City of Hampton, VA

Agenda Review

File Number: 13-0434

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0434

Request Number: R-2013-00436

File Type: Resolution - Grant

Department: Budget/Finance

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Marcie Dunn

Phone:

Requestor: Debbie Blanton

Phone: 727-1199

Presenter: N/A, N/A

Phone: N/A

Title: Resolution Approving the City of Hampton, Virginia's Participation and Appropriation of Funds for the Hampton Clean City Commission from the National Nursing Centers Consortium Vermicomposting Grant.

Action Requested: Adopt Resolution

Estimated Time: N/A

Indicators: Not applicable

Advertised:

Fiscal Notes: \$5,208 - \$4,785 in grant funds and \$423 in-kind

Attachments: NNCC Environmental Education Narrative

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The purpose of the National Nursing Centers Consortium Vermicomposting Grant is to provide a teacher workshop with equipment so teachers can use worm composting as an educational tool and a school waste reduction tool.

LEGISLATION TEXT:

WHEREAS, the Hampton Clean City Commission has been notified that it was selected as a recipient of the National Nursing Centers Consortium Vermicomposting Grant for \$4,785; and

WHEREAS, the Vermicomposting Grant will be used for the implementation of educational workshop with equipment so teachers can use worm composting as an educational tool and a school waste reduction tool; and

WHEREAS, the grant award covers the period from March 2013 through June 2014;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hampton accepts and appropriates \$4,785 from National Nursing Centers Consortium and \$423 of in-kind funds from the HCCC for a total of \$5,208.

BE IT FURTHER RESOLVED that the City Council of the City of Hampton authorizes the City Manager to take the necessary steps to implement this grant award.

NNCC Environmental Education RFP – Project Narrative

A. Organizational History

Hampton Clean City Commission (HCCC) is a volunteer citizens organization endorsed by Hampton City Council in 1978 to address Hampton's litter problem. The Commission is a certified Keep America Beautiful Clean Community Organization. Since 1978, Commission volunteers have donated countless hours and invaluable expertise and enthusiasm in addressing the beauty and cleanliness of our city. The Commission plays an active role in their community promoting environmental stewardship and education. Our mission is to improve and enhance the physical environment of Hampton through beautification, solid waste management education, coastal awareness activities, and litter abatement programs. This proposal seeks to broaden the impact of our solid-waste education initiatives by training and equipping local teachers interested in vermicomposting.

B. Educational Priority: Human Health and the Environment

Trash is a key environmental issue and focus of our solid waste programs. HCCC focuses on changing citizen behavior through education through the many activities listed above. Furthermore, the HCCC aims to develop knowledgeable and responsible students, teachers and citizens by sponsoring a Green School Award recognition program to support environmental literacy and sustainability, problem-based pedagogy to facilitate learning about global systems and relationships.

C. Cleaning Up Our Communities

The HCCC sponsors a variety of activities, including the Adopt-A-Spot program, Arbor Day ceremonies and tree plantings, beautification projects, Clean Business Awards, America Recycles Day events, community cleanup and beautification projects, Earth Day activities, educational exhibits and presentations, **School Pride In Action** environmental education activities in schools, the "Keep Hampton Green" fund, tree plantings, Waste Watchers educational programs, the Yards Are Really Distinctive Showplaces program, and much, much more. This proposal builds on our existing relationships with educators involved in the Hampton City Schools Programs School Pride in Action and Green School initiatives and engages new educators who may in turn become more involved in other HCCC community based stewardship activities.

D. Proposal: Wonder of Worms

Synopsis: Our proposal targets on training and equipping 20 teachers from Hampton City Public Schools who serve students from a primarily low to moderate income level families in a primarily urban setting. Teachers are one of the most effective catalysts for environmental education, and there is a visible immediate impact on students who witness vermicomposting. This training program demonstrates an odorless composting method that can transform approximately 100 pounds of garbage each year in a small container into rich, fertile soil. Our proposal incorporates a training program (see workshop agenda) and equipment developed and

designed for educators developed by a local business (wormwatcher.com) used by hundreds of schools. The patented WormWatcher provides an odorless, portable, LOCKABLE, clear platform for composting inside all year. Composting is a natural connection to many science standards in education (see Table 1.) The clear sides permit teachers to design unlimited experiments for science – ex. whether the worms prefer cafeteria chocolate chip cookies or melon, are worm castings better than sidewalk dirt, or is worm “tea” an effective fertilizer? The outcome will be energized, empowered and equipped teachers that will serve as catalysts to their students and their families.

Goals and objectives:

Goal: To increase knowledge about vermicomposting while connecting it to educational standards and building environmental stewardship.

It is well recognized in today’s school settings, students are less inclined to play outdoors. Many call this a nature-deficit syndrome. Nonetheless, in recent informal surveys of elementary classrooms, only two to three children have made a mud pie. This project addresses this need to introduce hands-on, visual demonstrations of nature through vermicomposting and promote science.

Table 1: Composting Correlates easily with the National Science Education Standards

- Ü **Science as Inquiry** – ability necessary to do scientific inquiry
- Ü **Physical Science** – changes in properties of matter and energy interactions
- Ü **Life Science** – life cycles of organisms and plants, interdependence of organisms, behavior of organisms
- Ü **Earth Science** – properties of soil and other earth materials
- Ü **Science in Personal and Social Perspectives** - Population growth, natural resources, environmental quality, science in local, national and global challenges.

Objectives:

- Ü Train 20 local teachers in various composting choices.
- Ü Equip 20 teachers with classroom equipment and knowledge
- Ü Increase educator and students’ knowledge and awareness of regional trash issues
- Ü Demonstrate how to vermicompost
- Ü Engage critical thinking in students through use of experiments using the WormWatcher
- Ü Encourage responsible decision-making in regards to food choices, trash management, and gardening practices
- Ü Provide supplementary educational activities
- Ü Promote environmental stewardship through hands-on classroom activities.
- Ü Reduce fear of soil, dirt, and worms through engagement in composting.

Timeline:

March 1, 2013 – Grants awarded and workshop announcement sent out by mail and opportunity announced in public schools.

March 23rd, 2013 - Workshop – Sandy Bottom Nature Park, Hampton, VA

May 1st, 2013 – Survey of workshop teachers to verify use of equipment

May 1st, 2014 - Survey of teachers to see if they are continuing to use equipment.

May 30, 2014 – Submission by HCC of final report and invoices.

At the training workshop, teachers will be given composters and educational materials for the classroom. Teachers will notify WormWatcher when they need worms by emails and supplementary email training will begin to ensure their composting success.

Methods for reaching low income/diverse populations: (World Media Group, LLC., 2010)

This proposal targets the Hampton City Public Schools population. HCCC will advertise the workshop to educators through normal communication channels with local educators. The workshop will be first-come, first-serve. If two teachers sign up from the same school, the first teacher from a school will receive a WormWatcher and the second will receive a Worm Farm.

Hampton City Public Schools is located in east Virginia. Hampton City Public Schools has 51.41 square miles of land area and 84.89 square miles of water area. As of 2010, the total Hampton City Public Schools population is 137,436. The Hampton City Public Schools population density is 1,008.34 people per square mile, which is much higher than the state average density of 187.05 people per square mile and is much higher than the national average density of 81.32 people per square mile. The average Hampton City Public Schools education level is lower than the state average and is about the same as the national average.

Low Income: The per capita 2010 income of Hampton City Public Schools is \$23,850, which is lower than the state average of \$31,313 and is lower than the national average of \$26,059.

Diversity: Approximately 58 percent of the school population is from Black, Hispanic, Native American, Asian, or ethnicities other than Caucasian.

Materials: Note using existing materials/curriculum

- Workshop Agenda (in Other Supporting Materials)
- PowerPoint presentation
- 10 WormWatcher Elementary Kits
- 10 WormWatcher DIY Worm Farm Plus Composters
- 20 Plastic containers from Lowes
- 20 Worm castings bags
- Activity handout
- Hot glue gun
- Socks



- Drills
- Fabric markers
- Topsoil

Number of people to be reached (minimum 100):

20 teachers + 500 students (25 students X 20) = 540 people in first year of using equipment. Many teachers who have used WormWatcher in the past are continuing their use of this equipment because it is efficient, odorless, portable and LOCKABLE.

Also parents, teachers and others within the school communities will be reached through newsletters and future demonstrations.

Evaluation and measurement tools to be used:

Workshop evaluation forms will be given after the workshop. Teachers will be surveyed twice in May 2013 to see if they are using the equipment and again in May 2014 to see if they either continued composting or restarted composting in Spring 2014 for a final report. This report will provide data for measuring project effectiveness.

Long-term benefits to the community:

In this age of instant results, it is important for the community to learn about faster methods of composting than traditionally practiced outside. Vermicomposting is an exciting, fun hands-on activity for kids of all ages. This program helps promote the major advantages of vermicomposting over other composting options: useful compost in months (not years), year-round composting, low maintenance (no tumbling or turning), and creating of an organic soil supplement (worm “tea”). These advantages only encourage sustainable composting practices. Also by achieving success with vermicomposting on a small scale leads users to expand their composting practices with larger capacity bins and using composters.

In terms of waste reduction, each bin has the capacity to reduce over 100 pounds of garbage each year. Using simple calculations, this translates to 20 bins processing a ton of garbage per year. Naturally this calculation depends on the user actively using their bin adding 2.5 lbs. of garbage each week. This does not include the likelihood of users expanding their composting ability – which is very likely given worm reproduction. The worms in each bin reproduce when sexually mature at 6-8 weeks and produce up to two cocoons (containing approximately 6 viable baby worms out of 20 eggs). Therefore, calculations in terms of waste reduction are conservative.

How the proposed project will change behavior and lead to environmental stewardship:

This project builds awareness in a visual, exciting way. Worm composting is an excellent tool for addressing the nature deficit in children through hands-on, visual demonstrations. Teachers can encourage students to compost lunch scraps inside their classroom.

E. Staffing:

The HCCC Executive Coordinator will oversee the grant preparation and reporting, facilitate workshop promotion and execution, coordinate with the workshop coordinator and manage

communication with Hampton City Public Schools. WormWatcher will execute the workshop, provide equipment, and provide follow-up support to educators.

F. Partnerships:

The Hampton Clean Commission will partner with Hampton Parks and Recreation to provide a workshop location and with a local woman-owned small business, WormWatcher, to provide workshop presentation and materials. WormWatcher, founded in 2009, developed a line of worm composting education products, one of which is a patented clear vermicomposter designed for science and inquiry. This proposal supports the purchase of material manufactured in the USA (Harrisonburg, VA) and a local start-up business. WormWatcher products have been sold nationally and internationally through various venues, their web site and several science and environmental education catalogs.



City of Hampton, VA

Agenda Review

File Number: 13-0437

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0437**

Request Number: **R-2013-00425**

File Type: **Resolution**

Department: **City Attorney**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Everett Bensten**

Phone:

Requestor:

Phone:

Presenter: **Jim Wilson, Director, Department of
Parks and Recreation**

Phone: **757-727-6474**

Title: **Resolution Authorizing The Acceptance Of A \$10,000.00 Gift From The Peter Criscuolo
Living Trust Fund For Use By Hampton Parks And Recreation Department**

Action Requested: **Approve**

Estimated Time: **5 mintues**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Donation Document

Date	Acting Body	Action
11/5/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Adoption of this resolution is sought in compliance with the Hampton City Code requirement that council approve and authorize acceptance of all gifts of money to the city valued at \$5,000 or more (in the aggregate or singularly). In this instance, council approval is sought to accept the donation of a \$10,000.00 gift from the Peter Criscuolo Living Trust Fund to be appropriated to fund balance for ultimate use by the Hampton Department of Parks and Recreation.

LEGISLATION TEXT:

RESOLUTION

WHEREAS, Peter Criscuolo was the owner of the Flag Center and had conducted business with the Hampton Department of Parks and Recreation for over 20 years and generously bequeathed \$10,000.00 to the Hampton Department of Parks and Recreation through his living trust;

WHEREAS, acceptance of such donations by the City, pursuant to Hampton City Code Section 2-134, requires the approval of the Hampton City Council to the extent the amount or value of such gifts or donations is \$5000.00 or greater, and the City Manager seeks that approval, submitting that acceptance is in the best interest of the city and gives effect to the wishes of Mr. Criscuolo.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hampton that: (1) the donation from the Peter Criscuolo Living Trust in the amount of \$10,000.00 is hereby accepted, and appropriated to fund balance for use by the Hampton Department of Parks and Recreation; and (2) all prior acts performed by city staff in furtherance of the wishes of Mr. Criscuolo related to acceptance of this gift are hereby ratified and affirmed.

Clerk of the Council

BENEFICIARY RECEIPT OF DISTRIBUTION

Administration of the Peter C. Criscuolo Living Trust
Walter C. Zaremba, Richard J. Criscuolo and
Joanne Kelly, Trustees

Beneficiary: City of Hampton Parks and Rec.

You are a named beneficiary of the Peter C. Criscuolo Living Trust. The amount listed below is the full distribution to the above organization as stated in the Trust document. There were no beneficiaries of the probate estate of Peter C. Criscuolo other than his Trust. All other distributions were named in his Trust document.

Check in the sum of \$10,000.00. Ten Thousand dollars and no cents.

The undersigned beneficiary/heir/distributee of the referenced trust does hereby affirm the following:

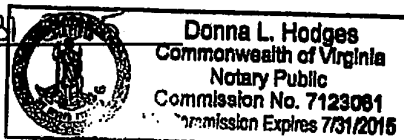
- Receipt of the above listed distribution from the Trust.
- Receipt of the above listed distribution is in full and final satisfaction of their share of the above-referenced trust and/or estate.
 - **In order to receive any accrued interest to which the undersigned may be entitled under the Trust document the undersigned must complete and return the attached W-9 to Anne Alston, Zaremba Center, 123 Bulifants Blvd, Williamsburg VA 23188 Receipt no later than October 11, 2013.**
- Waive any accounting by the trustee.
- Waive any rights to receive any further Trust documents.
- Release and discharge the fiduciaries named above from all liability to the undersigned for any and all matters relating to or derived from the administration of the estate and/or trust; and fully releases and discharges the fiduciaries named above as to all matters embraced therein.

Dated: 10/9/13 May B Bunting
Authorized Signer

STATE OF Virginia :
CITY/COUNTY OF Hampton : ss

The foregoing instrument was acknowledged before me this 9th day of October 2013 by May B Bunting, who is an authorized signer for the City of Hampton as City Manager Parks and Rec., and is personally known to me or has produced _____ as identification.

Donna L. Hodges (SEAL)
Notary Public
My commission expires: July 31



**CITY OF HAMPTON
OFFICE OF THE CITY ATTORNEY**

Approved as to legal form and sufficiency

Date: 10/9/13
[Signature]
Attorney



City of Hampton, VA

Agenda Review

File Number: 13-0442

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0442**

Request Number: **R-2013-00441**

File Type: **Resolution**

Department: **Parks and Recreation**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Jan Burgess**

Phone:

Requestor: **Jim Wilson**

Phone: **727-6474**

Presenter: **Jim Wilson, Director Parks and Recreation**

Phone: **727-6474**

Title: **Resolution Determining William Finkenstein, WRF Designs, to be the Only Source Practicable from which to Procure Services to Restore and Repair the Hampton Carousel and Authorizing the Negotiation and Execution of a Purchase Contract with William Finkenstein, WRF Designs, as "Sole Source."**

Action Requested: **Approve resolution**

Estimated Time: **5**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body
11/5/2013	

Action
Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The Hampton Carousel was built by the Philadelphia Toboggan Company of Germantown, PA, once the premier manufacturer of merry-go-rounds. The carousel operated at the Buckroe Amusement Park until the park ceased to operate, and the City of Hampton purchased the Carousel. The carousel was dismantled and stored until restoration began in 1988. William Finkenstein of WRF Designs, one of the leading carousel restoration firms in the country, was later chosen to refurbish this rare treasure.

In 1991, the Hampton Carousel was reassembled in the pavilion downtown and reopened to visitors. The vintage merry-go-round is a rare and beautiful example of American folk art. It is one of approximately 135 antique carousels in the United States still in operation.

WRF Designs in Plainville, Connecticut has repaired and repair the Hampton Carousel for the last 22 years and is, therefore, uniquely qualified to perform this work.

Staff seeks City Council's approval of William Finkenstein, WRF Designs, 103 East Main Street, Plainville, CT as the sole source vendor for required restoration work to maintain the Hampton Carousel.

LEGISLATION TEXT:

RESOLUTION

WHEREAS, Hampton City Council recognizes the public interest in providing through its Hampton Parks and Recreation Department the most cost-effective means reasonably available and affordable for restoration and repairs to the historic Hampton Carousel.

WHEREAS, the Council acknowledges that William Finkenstein, WRF Designs provides specialty services for antique carousel restoration; and has been the sole provider of such services for the Hampton Carousel for twenty-two years, rendering the company uniquely qualified and reliable; and

WHEREAS, the price at which William Finkenstein, WRF Designs, has offered its services has been determined to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia as follows:

1. That the contract for providing carousel restoration and repairs described above may be negotiated and awarded to William Finkenstein, WRF Designs as a "sole source" without competitive sealed bidding or competitive negotiation as set forth in Virginia Code Section 2.2-4303.E;
2. That the City Manager or her authorized designee is hereby authorized to negotiate and execute a service contract to William Finkenstein, WRF Designs; and
3. That the notice awarding the contract to William Finkenstein, WRF Designs shall be posted in a public place pursuant to Virginia Code Section 2.2-4303.E.



City of Hampton, VA

Agenda Review

File Number: 13-0443

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0443

Request Number: R-2013-00442

File Type: Resolution

Department: Parks and Recreation

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Jan Burgess

Phone:

Requestor: Jim Wilson

Phone: 727-6474

Presenter: Jim Wilson, Director Hampton Parks
and Recreation

Phone: 727-6474

Title: Resolution Determining R. A. Newman Organ Company to be the Only Source
Practicable from which to Procure Services to Restore and Repair the Hampton Carousel
Organ and Authorizing the Negotiation and Execution of a Purchase Contract with R. A.
Newman Company as "Sole Source."

Action Requested: Approve Sole Source Resolution

Estimated Time: 5

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date

Acting Body

Action

11/5/2013

Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The Hampton Carousel was acquired by the City of Hampton and placed in a pavilion in downtown Hampton in 1991. For the past 22 years, the City of Hampton has procured the services of R.A. Newman Organ Company, 1240 Main Street, Coventry, Rhodes Island 02816 to repair and maintain the Hampton Carousel's antique organ.

Our request is to keep R.A. Newman Organ Company as our sole source vendor for the next five (5) years to repair and maintain the Hampton Carousel organ and music paper rolls.

LEGISLATION TEXT:

RESOLUTION

WHEREAS, Hampton City Council recognizes the public interest in providing through its Hampton Parks and Recreation Department the most cost-effective means reasonably available and affordable for restoration and repairs to the historic Hampton Carousel; and

WHEREAS, R.A. Newman Organ Company provides specialty services for organ restoration and repairs for organs such as the Hampton Carousel organ; and

WHEREAS, the price at which R.A. Newman Organ Company has offered its services has been determined to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia as follows:

1. That the contract procuring carousel organ restoration and repairs described above may be negotiated and awarded to R.A. Newman Organ Company as a "sole source" without competitive sealed bidding or competitive negotiation as set forth in Virginia Code Section 2.2-4303.E;
2. That the City Manager or her authorized designee is hereby authorized to negotiate and execute a service contract to R.A. Newman Organ Company; and
3. That the notice awarding the contract to R.A. Newman Organ Company shall be posted in a public place pursuant to Virginia Code Section 2.2-4303.E.



City of Hampton, VA

Agenda Review

File Number: 13-0446

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0446**

Request Number: **R-2013-00449**

File Type: **Resolution**

Department: **City Manager**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Annette Oakley**

Phone:

Requestor: **Jimmy Gray**

Phone: **727-6884**

Presenter: **Jimmy Gray, Assistant City Manager**

Phone: **727-6884**

Title: **Resolution Determining Alvean Lyons, Inc. To Be The Only Source Practicably Available From Which To Procure Families Forward Resources And Services And Authorizing The Negotiation And Execution Of A Purchase Contract With Alvean Lyons, Inc. As "Sole Source"**

Action Requested: **Adopt on Motion**

Estimated Time: **5 Minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date

Acting Body

Action

11/5/2013

Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

In an effort to enhance the programs and services already available through our Youth, Education and Families Division, staff has identified quality programs and services offered through private sector providers that can add value to the work that we are doing in the community.

Alvean Lyons is the exclusive provider of the Families Forward Initiative, a multi-tiered, researched based, social emotional learning initiative, which the City staff and the Community Action Coalition want to provide to Hampton families and youth through workshops, seminars, conferences, family forums and multi-media outlets.

Through the provision of a contract, Ms. Lyons will work closely with the Youth and Families Department and the Community Action Coalition to deliver programs and services in the community with emphasis on

reducing youth violence and/or gang involvement by educating adults and building resiliency and character in young people.

LEGISLATION TEXT:

RESOLUTION

WHEREAS, the Council acknowledges that the quality of life in the City is threatened by the prevalence of violence perpetrated by youth and young adults and that the develop of programs and partnerships that will expose youth to more pro-social learning opportunities, will reduce their engagement in gangs, violence or delinquent behaviors; and

WHEREAS, Hampton City Council recognizes the public interest in providing through its Youth & Families Department the most efficient and cost-effective means reasonably available to provide training and educational programs that strengthen families by providing skills to increase parental responsibility and to help children and youth cultivate the relationships, opportunities, skills, values and commitments needed to grow up healthy, caring and responsible; and

WHEREAS, the Council acknowledges that Alvean Lyons, Inc. is the exclusive provider of the Families Forward Initiative, a multi-tiered, research based, social emotional learning initiative, which the city desires to be delivered to Hampton families and youth through workshops, seminars, conferences and family forums and multi-media outlets; and

WHEREAS, the price at which Alvean Lyons, Inc. has offered audio books, web-based /internet forums and other Families Forward services has been determined to be fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hampton, Virginia as follows:

1. That the contract for procuring the Families Forward Initiative described above may be negotiated and awarded to Alvean Lyons, Inc. as a "sole source" without competitive sealed bidding or competitive negotiation as set forth in Virginia Code Section 2.2-4303.E;
2. That the City Manager or her authorized designee is hereby authorized to negotiate and execute a purchase contract with Alvean Lyons, Inc.; and
3. That the notice awarding the contract to Alvean Lyons, Inc. shall be posted in a public place pursuant to Virginia Code Section 2.2-4303.E.



City of Hampton, VA

Agenda Review

File Number: 13-0440

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0440**

Request Number: **R-2013-00439**

File Type: **Planning Actions - Use Permit**

Department: **Planning**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Alison Alexander**

Phone:

Requestor:

Phone:

Presenter: **Mike Hayes, Senior City Planner**

Phone: **728.5244**

Title: **Use Permit Application No. 1090-2013 by Schaubach Rentals LLP to amend the conditions of previously approved Use Permit No. 1071-2011 and expand the operation of an existing recycling sorting facility at 310 E Street (LRSN 100080).**

Action Requested: **Approve Use Permit Application No. 1090-2013 with the amended conditions.**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments: Application
Changes to UP 1071 Redline
Plat
PC Resolution
Staff Report
Conditions
Presentation

Date	Acting Body	Action
11/5/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

In 2011, Use Permit No. 1071-2011 was approved, permitting the currently operating recycling center along with a future phase 2 expansion. The conditions attached to the existing use permit include a site plan. Another condition prohibits the operator from storing containers onsite. The operator would now like to go forward with an expansion in a different configuration and include the storage of outdoor containers as part of the operation.

Staff concludes that the applicant's request is reasonable; the operation even in the expanded state is supported by the Hampton Community Plan (2006 as amended); and conditions have been drafted to appropriately address the requested changes. Rather than tying the operator to a specific site plan, language is included which requires screening of operations while at the same time allowing flexibility in development of the site. Additionally, the storage of empty containers would be permitted on the site so long as it occurs in the rear and is screened from view from the public right-of-way. Conditions would remain in place which address hours of operation, debris and litter, delivery of material, types of materials, licensure, and revocation.

The Hampton Community Plan recommends business/industrial uses in this area. The property is located in a long standing industrial park and has appropriate vehicular access for the truck traffic associated with the operation. New development on the site must meet all applicable codes and ordinances.

No community meeting was held by the applicant.

The Hampton Planning Commission recommends approval with amended conditions.



Application for
Use Permit

Complete this application in its entirety and submit pages 4 and 5 along with the required materials (including any required supplements) as listed on page 2 to the address below:

City of Hampton
Community Development Department, Planning Division
22 Lincoln Street, 5th Floor
Hampton, Virginia 23669

OFFICE USE ONLY
Date Received:

RECEIVED

SEP 03 2013

PLANNING DEPT.

Case Number: UP 1090-2013

1. PROPERTY INFORMATION

Address or Location 310 E. Street Hampton, VA 23661

LRSN 1000080 Zoning District M3

Current Land Use Recycling Center

Proposed Land Use Recycling Center addition / Maintenance Facility.

The proposed use will be in: ☐ an existing building ☒ a new addition ☐ a new building

2. PROPERTY OWNER INFORMATION (an individual or a legal entity may be listed as owner)

Owner's Name Schaubach Rentals LLLP

Address 1384 Ingleside Rd. City Norfolk State VA Zip 23502

Phone 757-852-3300 Email James.schaubach@msz.com

3. APPLICANT INFORMATION (if different from owner)

Applicant's Name SAMS

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

4. APPLICANT AGENT INFORMATION (if different from applicant)

Agent's Name SAMS

Address _____ City _____ State _____ Zip _____

Phone _____ Email _____

5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS

Complete this section only if the property owner is **not** an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 2 above.

"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of the legal entity (attach additional page if necessary):

Name of Legal Entity Schaubach Rentals LLLP

Signed by:

Name (printed) James D Schaubach, Its (title) partner

Signature James D Schaubach Date Aug 23, 2013

Name (printed) _____, Its (title) _____

Signature _____ Date _____

Name (printed) _____, Its (title) _____

Signature _____ Date _____

6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS

Complete this section only if the property owner is an individual or individuals.

"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Name (printed) _____

Signature _____ Date _____

Name (printed) _____

Signature _____ Date _____

OFFICE USE ONLY

☐ Application Form

☐ Narrative Statement

☐ Supplemental Form (if required)

☐ Application Fee

☐ Survey Plat

☐ Additional materials (if required)



RECEIVED

SEP 03 2013

PLANNING DEPT.

OPERATIONS NARRATIVE

Bay Disposal and Recycling currently employs 35 full time employees operating out of our 60,000 sq ft facility located at 310 E. street in Hampton. We receive and process recyclable materials with the end product being sold domestically, as well as, internationally. Our current hours of operation are from 6:30am-11:30pm Monday through Friday and 6:00am-6:00pm Saturday and Sunday.

We are proposing to expand the existing facility with an additional 23,000sq ft metal structure. Half of this will be a 5 bay maintenance facility, with the other half being storage and construction debris recycling and transfer. We will be relocating our Newport News operation once this facility is completed. This will bring approximately 30 to 35 new employees to our Hampton facility. We have 55 parking spots available currently with a proposed paved parking area for the new vehicles coming to the site.

The other side of the new addition would be used for inside storage of baled recyclable materials. This new area would also provide us with a tipping floor where we could dump construction debris containers and remove the recyclable products. The remaining non-recyclable residue will be transferred to our landfill in Virginia Beach Va.

Conditions for Bay Disposal Recycling Sorting Center Changes from UP #1071-2011 to UP #1090-2013

1. Issuance of Permit

- a. The Use Permit applies only to *310 E Street [LRSN 1000080]* Bay Disposal Inc, ~~as the operator of a recycling sorting center~~ and is not transferable to another operator or location.

~~2. Location~~

- ~~a. The Use Permit applies only to 310 E Street [LRSNs 1000080 and 13002089].~~

2.3 Hours of Operation

- a. The hours of delivery and removal of material by truck shall be between the hours of 6:00AM and 11:00PM Monday through Friday and 6:00AM and 6:00PM Saturday and Sunday.
- b. The hours of operation within the building shall be between the hours of 5:00AM and midnight Monday through Sunday.
- c. Maintenance of equipment internal to the building may occur after standard operating hours Monday through Friday.

3. Licensure

The operator shall secure and maintain any required licensure with the Virginia Department of Environmental Quality (DEQ).

4. Operation

- a. The operator will only deliver single stream recycling products, such as glass, plastic bottles, newspapers, and aluminum cans, and commercial recyclable dry waste, such as cardboard, office paper, and shrink wrap, and open container loads of construction debris to the facility. While construction debris may be sorted and transported to and from this facility, crushing, grinding, or altering the material other than is necessary to bail the material is expressly prohibited. Any incidental non-recyclable waste will be hauled out and disposed at a permitted facility.
- b. Other than as incidental waste, garbage, food waste and organic waste, meaning a type of solid waste consisting of organic materials including, but not limited to processed and unmanipulated manures, grass, clippings, leaves, brush, tree prunings, logs, tree stumps and other yard, landclearing or vegetative waste, shall not be delivered and/or processed at this facility.
- c. Hazardous waste, radioactive/nuclear waste, and/or biohazardous waste materials are prohibited on site.
- d. All sorting, processing, or temporary storage of materials shall occur within the building.

- e. Outdoor storage, *except for the parking of vehicles and empty containers as expressly permitted in these conditions*, ~~other than the parking of vehicles~~, is prohibited.
- f. The operator shall keep the property outside the facility free and clear of transported materials and litter, and take measures to avoid stray materials or litter from escaping onto adjacent properties.

3. Site Development

- a. ~~New development shall occur in substantial conformance with the conceptual site plan with the project title "Recycling Center" and drawing title "Conceptual Site Plan" by VHB, Inc. dated March 1, 2011. As noted on the drawing, the 30,000 square foot building may be developed in a separate phase after the concrete apron, storm water BMP, and landscape screening.~~
- b. ~~The landscape screening shall be installed in the areas shown on the conceptual site plan with the project title "Recycling Center" and drawing title "Conceptual Site Plan" by VHB, Inc. dated March 1, 2011. The landscape screening shall consist of evergreen shrubs and/or hedges forming a series of continuous rows with the existing parking lot and public right of way on one side and the proposed new building on the other.~~

4. Building Materials

- a. ~~The "30,000 SF, Future Building," as shown on the conceptual site plan with the project title "Recycling Center" and drawing title "Conceptual Site Plan" by VHB, Inc. dated March 1, 2011, shall be finished in materials, metal siding and brick, and color, neutral earth tones, complementing the existing building. Using a greater proportion of brick than is on the current building is acceptable.~~

5. Lighting

- a. ~~All outdoor lighting shall be focused downward and inward and full cut off to prevent spillover onto adjacent properties.~~

5. Vehicle Parking and Container Storage

- a. *The parking of vehicles used in the transport and delivery of material shall occur behind the front façade of the building on any side facing a public right-of-way.*
- b. *Containers shall be stored in an area behind the front facade of the building on any side facing a public right-of-way.*
- c. *Containers shall not be stored any closer than five (5') from an adjacent property line.*
- d. *All stored containers must be clear of material.*
- e. *Any container stored on site must be stored in an area screened from view of the public right-of-way and adjacent properties by a six foot tall opaque fence or vegetation which achieves the same affect.*

6. Screening

A short, continuous evergreen hedge row (2.5 to 4 feet in height) shall be established and maintained along the public rights-of-way (E Street and 58th Street) to screen operations at the sides and back of the building.

7. Inspection

The facility will be available for inspection by the Zoning Administrator and/or designee during operational hours. The facility and operation shall be subject to a stop work order by the Zoning Administrator and/or designee in order to investigate or verify in concert with any state or federal agency any violation, real or alleged, of any federal, state, or local law or ordinance and deed restrictions affecting the property.

8. Nullification

A use permit shall automatically expire and become null and void under any of the conditions set forth in section 20-12 of the zoning ordinance.

9. Revocation

Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the use permit as set forth in chapter 20 of the zoning ordinance.

~~Failure to comply with any of the above conditions shall justify revocation of the Use Permit by City Council.~~

Plat Showing Property Line Vacation
Schaubach Rentals, LLP Property
Parcels A and B
City of Hampton, Virginia

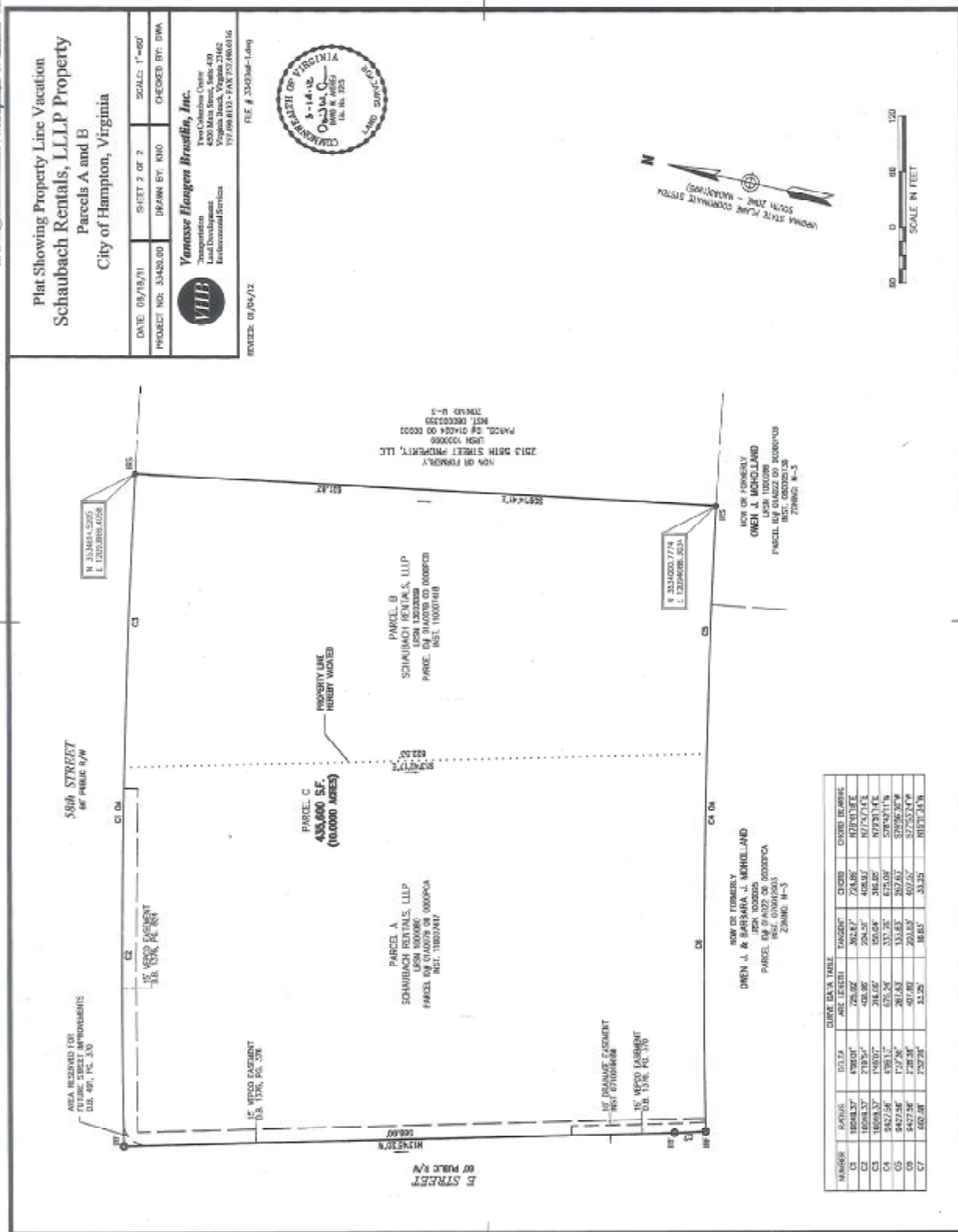
DATE: 08/18/91	SHEET 2 OF 2	SCALE: 1"=50'
PROJECT NO: 33420.00	DRAWN BY: KNO	CHECKED BY: DWA



Vanasse Hangen Brustlin, Inc.
Two Columbus Circle
4500 Main Street, S.E.
Virginia Beach, VA 23462
Transportation
Land Development
Environmental Services

FILE # 33423rd-1.dwg

01/04/17



Modelos	PA1005	Q17 FA	ARE LEISH	FA2000	Q1000	CONVIED REMAN
C1	10568,37	10568,37	10568,37	10568,37	10568,37	10568,37
C2	10568,37	7175,4	438,95	204,58	408,95	408,95
C3	18048,37	18048,37	314,65	150,78	314,65	314,65
C4	8427,36	8427,36	676,76	337,68	676,76	676,76
C5	1427,36	1427,36	281,63	133,63	282,63	282,63
C6	8427,36	728,36	491,82	203,83	491,82	491,82

AT A PUBLIC HEARING IN A REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA, ON THURSDAY, OCTOBER 3, 2013 AT 3:30 P.M.

WHEREAS: the Hampton Planning Commission has before it this day a proposal by Schaubach Rentals LLP to amend the conditions of Use Permit No. 1071-2011, to expand the previously permitted recycling sorting center at 310 E Street [LRSN 1000080];

WHEREAS: the property is located in Copeland Industrial Park and is currently in operation as a recycling sorting center;

WHEREAS: the Hampton Community Plan (2006 as amended) recommends business/industrial use for this property;

WHEREAS: the site is currently zoned Heavy Manufacturing (M-3) District, which permits sorting centers with an approved use permit;

WHEREAS: nine conditions are proposed which would permit the storage of containers outside but continue to prevent the storage and sorting of materials outside, add standards for screening the property, continue to limit the hours of operation, require appropriate licensure, limit the types of materials to be processed on site, address inspection, and provide avenues for nullification and revocation; and

WHEREAS: no one from the public spoke for or against this proposal.

NOW, THEREFORE, on a motion by Commissioner Carlton Campbell and seconded by Commissioner Gregory Williams,

BE IT RESOLVED that the Hampton Planning Commission recommends to City Council approval of Use Permit Application No. 1090-2013, subject to nine (9) conditions.

A roll call vote on the motion resulted as follows:

AYES:	Williams, Campbell, Southall, LaRue
NAYS:	None
ABST:	None
ABSENT:	McCloud, Snead, Bunting

A COPY; TESTE:


Terry P. O'Neill
Secretary to Commission

STAFF EVALUATION

To: Planning Commission

Prepared By: Mike Hayes, AICP

728-5224

Reviewed By: Keith Cannady, AICP

728-5239

Reviewed By: Sharon McSmith, CAP

728-5240

Case No.: Use Permit #1090-2013 Date: October 3, 2013

General Information

Owner/Applicant

Schaubach Rentals LLLP

Location

310 E Street (LSRNs 1000080), a 10.1± acre site in Copeland Industrial Park.



Requested Use

Expand existing recycling sorting facility

Background Information

In 2011, City Council approved Use Permit 1071-2011 with 7 conditions for the current recycling sorting facility. Among those conditions and what has lead to another use permit application are the conditions which included a specific site plan for the expansion of the facility and a prohibition on the storage of empty containers.

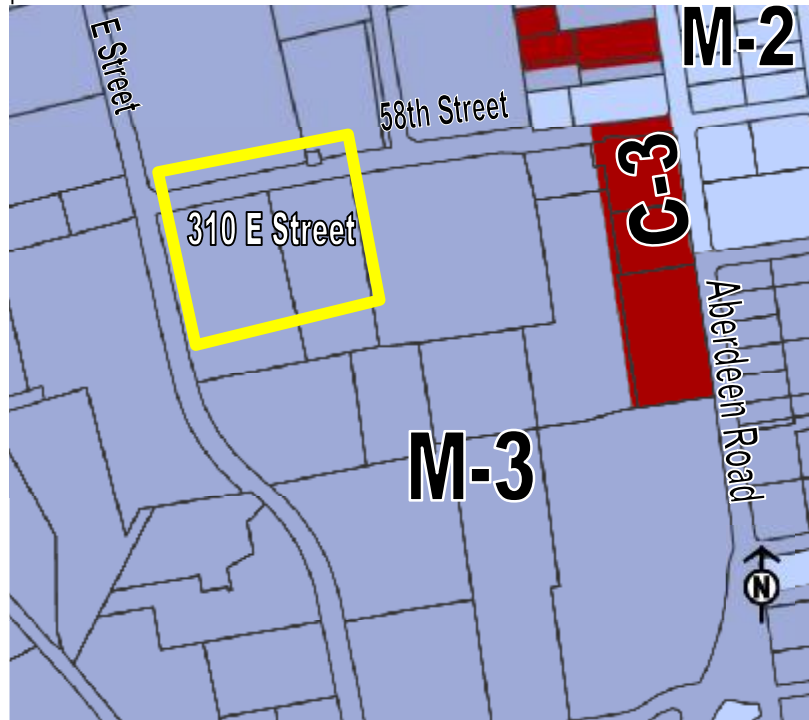
Description of Proposal

The applicant wishes to continue the recycling sorting facility where trucks would back up to bays in the building to deliver recyclable material collected from various sites in the region. All material is sorted and bailed within the building then loaded on trucks from another set of bays. Recyclable materials are not and will be stored or sorted outside.

The applicant wishes to put an addition on the building for the purposes of adding office space and mechanics bays to perform repairs on the trucks.

Existing Land Use and Zoning

The site is currently zoned Heavy Manufacturing District (M-3), which permits the proposed use with an approved use permit.

*Surrounding Land Use and Zoning*

North: M-3: Manufacturing

South: M-3: Warehouse

East: M-3: Manufacturing

West: M-3: Manufacturing

Public Policy

Hampton Community Plan (2006, as amended)

The Hampton Community Plan recommends business/industrial uses in this area.

The City's Plan also includes other recommendations supportive of industrial businesses:

ED Policy 1: Retain, expand, and attract businesses that provide jobs with family-supporting wages. (p. ED-23)

Impact Analysis

New improvements would have to meet all applicable codes and ordinances.

The location is well situation for any additional traffic created by a successful business.

Conditions

The previously approved application contained seven (7) conditions while the currently proposed set contains nine (9). A redlined version showing the proposed changes is included in the package for review. The nine (9) conditions that are currently recommended to be attached to this request should City Council approve this use permit are as follows:

. **Issuance of Permit**

The Use Permit applies only to 310 E Street [LRSN 1000080], and is not transferable to another location.

. **Hours of Operation**

- a. The hours of delivery and removal of material by truck shall be between the hours of 6:00AM and 11:00PM Monday through Friday and 6:00AM and 6:00PM Saturday and Sunday.
- b. The hours of operation within the building shall be between the hours of 5:00AM and midnight Monday through Sunday.
- c. Maintenance of equipment internal to the building may occur after standard operating hours Monday through Friday.

. **Licensure**

The operator shall secure and maintain any required licensure with the Virginia Department of Environmental Quality (DEQ).

. **Operation**

- a. The operator will only deliver single stream recycling products, such as glass, plastic bottles, newspapers, and aluminum cans, and commercial recyclable dry waste, such as cardboard, office paper, and shrink wrap, and open container loads of construction debris to the facility. While construction debris may be sorted and transported to and from this facility, crushing, grinding, or altering the material other than is necessary to bail the material is expressly prohibited. Any incidental non-recyclable waste will be hauled out and disposed at a permitted
-

facility.

- b. Other than as incidental waste, garbage, food waste and organic waste, meaning a type of solid waste consisting of organic materials including, but not limited to processed and unmanipulated manures, grass, clippings, leaves, brush, tree prunings, logs, tree stumps and other yard, landclearing or vegetative waste, shall not be delivered and/or processed at this facility.
- c. Hazardous waste, radioactive/nuclear waste, and/or biohazardous waste materials are prohibited on site.
- d. All sorting, processing, or temporary storage of materials shall occur within the building.
- e. Outdoor storage, except for the parking of vehicles and empty containers as expressly permitted in these conditions, is prohibited.
- f. The operator shall keep the property outside the facility free and clear of transported materials and litter, and take measures to avoid stray materials or litter from escaping onto adjacent properties.

• **Vehicle Parking and Container Storage**

- a. The parking of vehicles used in the transport and delivery of material shall occur behind the front façade of the building on any side facing a public right-of-way.
- b. Containers shall be stored in an area behind the front façade of the building on any side facing a public right-of-way.
- c. Containers shall not be stored any closer than five feet (5') from an adjacent property line.
- d. All stored containers must be clear of material.
- e. Any container stored on site must be stored in an area screened from view of the public right-of-way and adjacent properties by a six foot tall opaque fence or vegetation which achieves the same affect.

• **Screening**

A short, continuous, evergreen hedge row (2.5 to 4

feet in height) shall be established and maintained along the public rights-of-way (E Street and 58th Street) to screen operations at the sides and back of the building.

• **Inspection**

The facility will be available for inspection by the Zoning Administrator and/or designee during operational hours. The facility and operation shall be subject to a stop work order by the Zoning Administrator and/or designee in order to investigate or verify in concert with any state or federal agency any violation, real or alleged, of any federal, state, or local law or ordinance and deed restrictions affecting the property.

• **Nullification**

- a. The Use Permit shall become null and void if the use is not established within twelve (12) months of the date of approval by City Council.
- b. The Use Permit shall become null and void if the facility is not used for the permitted use for a period of twenty-four (24) consecutive months.

• **Revocation**

Notwithstanding any condition or provision of this use permit to the contrary, the use permit may be revoked for violation of any terms or conditions of the conditional privilege as set forth in chapter 20 of the zoning ordinance.

Community Meeting

No community meeting has been held.

Analysis

310 E Street is located in Copeland Industrial Park and currently has an approved use permit for a recycling sorting center (UP #1071-2011). Use Permits are required for uses that are generally deemed appropriate in the given zoning district but may require site specific conditions to ensure there will be no negative impacts on neighboring properties. This application has been brought forward because the applicant, who is the current operator and property owner, would like to amend the conditions.

Specifically, the previous set of conditions includes a requirement to adhere to a submitted site plan and prohibits outdoor storage with the

USE PERMIT APPLICATION #1090-2013**STAFF EVALUATION**

exception of parked vehicles. The requested changes would grant flexibility in how the site is developed and operations expand in the future. Rather than requiring the operator to adhere to a specific site plan attached to the use permit, performance standards for screening are recommended. Development would also have to meet site plan standards, including storm water related requirements, just like any similar development in the City of Hampton.

With regards to the second amendment request, staff proposes a change to the conditions which would permit the outdoor storage of empty containers provided the storage occurs toward the rear, in a defined area, screened from view at the public right-of-way. The outdoor storage of materials would remain prohibited in order to maintain a site and park that is free of debris and litter. The need to maintain a clean site is further reinforced in condition No. 4, which limits the types of materials to be handled and that all processing operations shall occur inside the building.

The land use recommendations of the Hampton Community Plan (2006, as amended) are supportive of this proposal. The Copeland Industrial Park area is recommended for business/industrial uses. This proposal also helps fulfill recommendations in the Economic Development section of the Community Plan by creating jobs and utilizing a currently vacant building and underdeveloped lot.

Being located in the heart of industrial park, having all sorting operations occur within the building, and limiting the types of materials to be brought on-site, as required in condition No. 2, the proposed use should not have a negative impact on neighboring property.

Staff recommends approval of this application with amended conditions.

Use Permit No. 1090-2013

Schaubach Rentals LLLP

Operating as Bay Disposal & Recycling

310 E Street

1. Issuance of Permit
 - a. The Use Permit applies only to 310 E Street [LRSN 1000080] and is not transferable to another location.
2. Hours of Operation
 - a. The hours of delivery and removal of material by truck shall be between the hours of 6:00AM and 11:00PM Monday through Friday and 6:00AM and 6:00PM Saturday and Sunday.
 - b. The hours of operation within the building shall be between the hours of 5:00AM and midnight Monday through Sunday.
 - c. Maintenance of equipment internal to the building may occur after standard operating hours Monday through Friday.
3. Licensure

The operator shall secure and maintain any required licensure with the Virginia Department of Environmental Quality (DEQ).
4. Operation
 - a. The operator will only deliver single stream recycling products, such as glass, plastic bottles, newspapers, and aluminum cans, and commercial recyclable dry waste, such as cardboard, office paper, and shrink wrap, and open container loads of construction debris to the facility. While construction debris may be sorted and transported to and from this facility, crushing, grinding, or altering the material other than is necessary to bail the material is expressly prohibited. Any incidental non-recyclable waste will be hauled out and disposed at a permitted facility.
 - b. Other than as incidental waste, garbage, food waste and organic waste, meaning a type of solid waste consisting of organic materials including, but not limited to processed and unmanipulated manures, grass, clippings, leaves, brush, tree prunings, logs, tree stumps and other yard, landclearing or

vegetative waste, shall not be delivered and/or processed at this facility.

- c. Hazardous waste, radioactive/nuclear waste, and/or biohazardous waste materials are prohibited on site.
- d. All sorting, processing, or temporary storage of materials shall occur within the building.
- e. Outdoor storage, except for the parking of vehicles and empty containers as expressly permitted in these conditions, is prohibited.
- f. The operator shall keep the property outside the facility free and clear of transported materials and litter, and take measures to avoid stray materials or litter from escaping onto adjacent properties.

5. Vehicle Parking and Container Storage

- a. The parking of vehicles used in the transport and delivery of material shall occur behind the front façade of the building on any side facing a public right-of-way.
- b. Containers shall be stored in an area behind the front facade of the building on any side facing a public right-of-way.
- c. Containers shall not be stored any closer than five (5') from an adjacent property line.
- d. All stored containers must be clear of material.
- e. Any container stored on site must be stored in an area screened from view of the public right-of-way and adjacent properties by a six foot tall opaque fence or vegetation which achieves the same affect.

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Administrator and/or designee in order to investigate or verify in concert with any state or federal agency any violation, real or alleged, of any federal, state, or local law or ordinance and deed restrictions affecting the property.

8. Nullification

A use permit shall automatically expire and become null and void under any of the conditions set forth in section 20-12 of the zoning ordinance.

9. Revocation

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Use Permit #1090-2013



310 E Street
Recycling Sorting Center

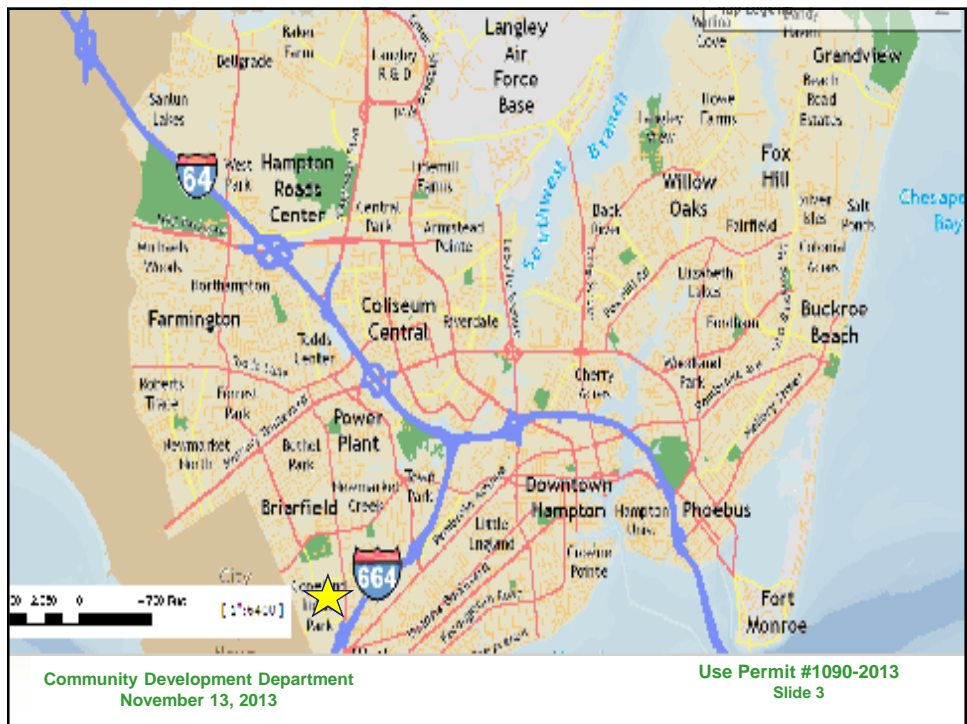
Hampton City Council
November 13, 2013

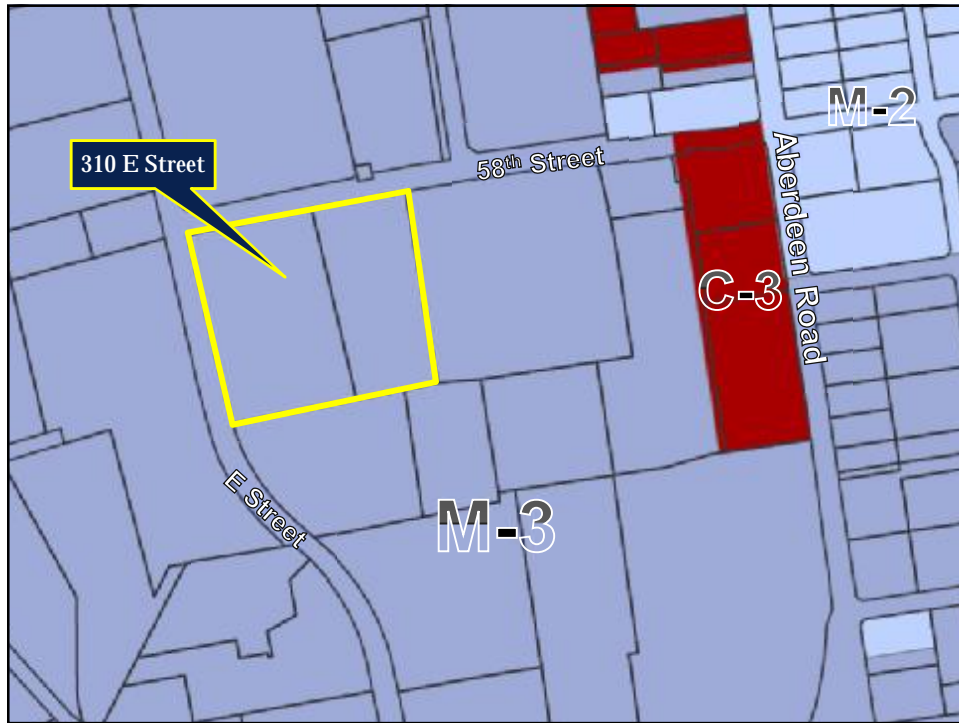
Application

Amend the conditions of UP #1071-2011

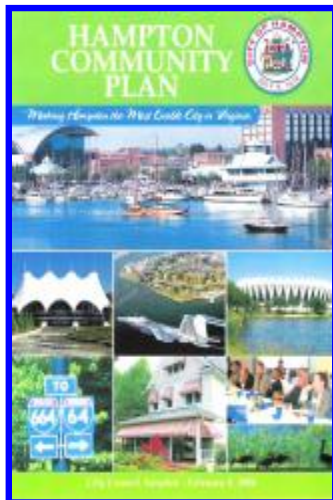
Community Development Department
November 13, 2013

Use Permit #1090-2013
Slide 2





Analysis



(Adopted 2006 by City Council, as amended)
Community Development Department
November 13, 2013

✦ **Business/Industrial**

✦ **Reuse underutilized industrial property**

Use Permit #1090-2013
Slide 6

Conditions

- Inspection
- Hours of operation
- Acceptable materials
- Screening
- Outdoor storage of empty containers but not materials



Community Development Department
November 13, 2013

Use Permit #1090-2013
Slide 7

Recommendation

Approval of Use Permit No. 1090-2013

Amended conditions

Community Development Department
November 13, 2013

Use Permit #1090-2013
Slide 8



City of Hampton, VA

Agenda Review

File Number: 13-0435

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0435

Request Number: R-2013-00393

File Type: Ordinance - Coded

Department: City Attorney

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Steven Bond

Phone:

Requestor: Terry L. Sult, Chief of Police

Phone: 757-727-6512

Presenter: Michael Toupin, Sgt. Hampton
Police Division

Phone: 757-727-6520

Title: Ordinance To Amend and Re-enact Chapter 21 of the Code of the City of Hampton, "Motor Vehicles", Article I, "In General", to Add a New Section 21-18, "Use Of Video-Monitoring Systems To Enforce Law Against Passing Stopped School Buses Authorized."

Action Requested: Adopt on Motion

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
11/5/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Virginia Code § 46.2-844 provides a \$250 penalty for failing to stop for a stopped school bus, and permits each locality, by ordinance, to authorize the local schools to use a video-monitoring system in or on school buses to record such traffic violations.

In consultation with Hampton City Schools, the Hampton Police Division recommends adoption of this ordinance which authorizes a system of video-based enforcement to better insure the safety of children from motor vehicles that unlawfully pass stopped school buses loading and unloading children. The adoption of the ordinance is the necessary first step in a possible pilot program for video-based enforcement that the Hampton City Schools may pursue at no cost to the schools or the city.

LEGISLATION TEXT:

BE IT ORDAINED by the City Council of Hampton, Virginia that the Code of the City of Hampton, Virginia be amended to read as follows:

Sec. 21-18. - Use of video-monitoring systems to enforce law against passing stopped school buses authorized.

- (a) The School Board of the City of Hampton is hereby authorized to install and operate a video-monitoring system in or on school buses operated by the school division, or to contract with a private vendor to do so on behalf of the school division, for the purpose of recording violations of § 46.2-844 of the Code of Virginia prohibiting drivers of motor vehicles from passing stopped buses under the conditions set forth in this statute. Section 46.2-844 of the Code of Virginia has been duly incorporated by reference into the Code of the City of Hampton, § 2-1, pursuant to authority granted in § 46.2-1313 of the Code of Virginia.
- (b) The term “video-monitoring system” shall have the meaning given it in § 46.2-844(B) of the Code of Virginia. Any such system, and the operation thereof, shall comply with all requirements of “video-monitoring systems” contained in § 46.2-844(B) of the Code of Virginia.



City of Hampton, VA

Agenda Review

File Number: 13-0436

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0436

Request Number: R-2013-00395

File Type: Ordinance - Coded

Department: City Attorney

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective: 1/1/2014

Status: Received By Clerk's Office

Created By: Lesa Yeatts

Phone:

Requestor: Lt. C. Thornton

Phone:

Presenter: Lt. C. Thornton, Police Lieutenant

Phone:

Title: Ordinance To Amend And Reenact The Code Of The City Of Hampton, Chapter 27
Entitled "Pawnbrokers; Junk and Secondhand Dealers" And To Add Thereto A New
Chapter 27.1 Entitled "Building Fixtures; Scrap Metal Purchasers And Precious Metal
Dealers"

Action Requested: Adopt ordinance

Estimated Time: 10 min.

Indicators:

Advertised:

Fiscal Notes:

Attachments: Redline Version
Additional Background Material

Date	Acting Body	Action
11/5/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

The amendments were identified as necessary to incorporate recent state code amendments to requirements for pawnbrokers and dealers and to update our code to reflect advances in electronic reporting of transactions involving salvageable metals, precious metals and pawned items. The ordinance has an effective date of January 1, 2014 to give businesses sufficient time to comply.

LEGISLATION TEXT:

BE IT ORDAINED by the City Council of Hampton, Virginia, that the Code of the City of Hampton, Virginia, be amended and re-enacted to read as follows:

Chapter 27 – Pawnbrokers; Junk and Secondhand Dealers

Sec. 27-1. – Definitions.

Sec. 27-2. – Violations of chapter.

Sec. 27-3. - Officers may examine records or property; warrantless search and seizure authorized.

Sec. 27-4. – Identification numbers on property acquired.

Sec. 27-5 – Property pawned or purchased not to be disfigured or changed.

Sec. 27-6. – Record of purchases.

Sec. 27-7. – Prohibited purchases.

Sec. 27-8. – Retention of purchases.

Sec. 27-9. – Record of sales.

Sec. 27-10. – Daily Reports.

Sec. 27-11. – Memorandum to be given pledger; fee; lost ticket charge.

Sec. 27-12. – Interest chargeable.

Sec. 27-1. – Definitions.

“*Pawnbroker*” means any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

“*Secondhand dealer*” means any person who buys, sells, barter or exchanges used or secondhand articles, including but not limited to such items as firearms, office machines, household appliances, radios, television sets, cellphones, electronic equipment, sporting equipment, photographic equipment, or any other secondhand merchandise intended to be resold for use as such. This definition does not include those persons who exclusively buy, sell, barter or exchange used or secondhand clothing, furniture and non-electronic children's articles; nor does it include those persons who buy, sell, barter or exchange used or secondhand items defined and regulated by chapter 27.1.

Sec. 27-2. – Violations of chapter.

- (a) Unless otherwise specifically provided in this chapter, a violation of any provisions of this chapter shall constitute a Class 4 misdemeanor.
- (b) In addition to any penalty that may be imposed for a violation of this chapter, upon the second conviction of any pawnbroker or secondhand dealer for a violation of this chapter, the judge of a court of competent jurisdiction may, at his discretion, revoke or suspend the license of the offender.

Sec. 27-3. – Officers may examine records or property; warrantless search and seizure authorized.

Every pawnbroker or secondhand dealer and every person in the employ of such pawnbroker or secondhand dealer shall admit to his place of business, during regular business hours, any duly authorized law-enforcement officer of the City of Hampton, Virginia, or any law-enforcement official of the state or federal government. The pawnbroker or secondhand dealer or their employee shall permit the officer to (i) examine all records required to be maintained by this chapter and any article listed in a record which is believed by the officer to be missing or stolen and (ii) search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen. However, the officer shall not take possession of any article without providing to the pawnbroker or secondhand dealer a receipt.

Sec. 27-4. – Identification numbers on property acquired.

No pawnbroker or secondhand dealer shall remove, change, alter or conceal any serial or other identification number which may be attached or affixed to any property of any kind received by such pawnbroker or secondhand dealer, without the consent of the chief of police of Hampton, Virginia or his designee, nor shall such dealer knowingly take in pawn, buy or acquire or keep in his possession any such property, the serial or identification number of which has been removed, changed or altered, without the consent of the chief of police of Hampton, Virginia or his designee.

Sec. 27-5. – Property pawned or purchased not to be disfigured or changed.

No property of any kind received on deposit or pledged or purchased by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner whatsoever, (i) so long as it continues in pawn or in the possession of the pawnbroker while in pawn or (ii) in an effort to obtain a serial number or other information for identification purposes.

Sec. 27-6. – Record of purchases.

- (a) Every pawnbroker or secondhand dealer shall keep at his place of business an accurate and legible record of every transaction where an article is taken in pawn, bought or acquired by such pawnbroker or secondhand dealer in the course of his business. The information shall be recorded at the time of the transaction, on a form approved by the chief of police of Hampton, Virginia or his designee, and shall include:
- (1) A complete description and statement of ownership of each article taken in pawn, bought or acquired from the person selling or pledging the article and the price paid for such item. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each article.
 - (2) The date, time, and place of receiving the article and the initials of the pawnbroker or secondhand dealer or employee receiving the article.
 - (3) The full name, residence address, telephone number, and driver's license number or other identifying credential, as defined in subsection (c), of the person selling or pledging the article, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person.
 - (4) Verification of the identification by the exhibition of an identifying credential, as defined in subsection (c). The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
 - (5) A digital image of the identifying credential used by the person involved in the transaction;
 - (6) All other facts and circumstances respecting such transaction.
- (b) In addition to the information required by subsection (a), pawnbrokers shall include the following information in their account of the transaction:
- (1) The amount of money loaned on the article at the time of pledging the same.
 - (2) The rate of interest to be paid on such loan.
 - (3) The terms and conditions of the loan, including the period for which any such loan may be made.
 - (4) All other facts and circumstances respecting such loan.
- (c) An "identifying credential" is any valid operator's license, any valid chauffeur's license, or any valid identification card issued by a governmental agency. The photograph, date of birth, and signature of the person attempting to pledge or sell an article under this section must be affixed on the operator's license,

chauffeur's license, or identification card in order for it to qualify as an identifying credential. No operator's license, chauffeur's license, or identification card shall be considered valid for the purpose of qualifying as an identifying credential if presented to pawnbroker or secondhand dealer or employee after its date of expiration.

- (d) All records required by this section shall be retained by the pawnbroker or secondhand dealer for not less than twenty-four (24) months. Such records may be maintained by the pawnbroker or secondhand dealer in an electronic format at his place of business.

Sec. 27-7. – Prohibited purchases.

- (a) No pawnbroker or secondhand dealer shall take in pawn, buy or acquire any secondhand article from any seller who is under the age of eighteen (18) years.
- (b) No pawnbroker or secondhand dealer shall take in pawn, buy or acquire any secondhand article from any seller who the pawnbroker or secondhand dealer believes or has reason to believe is not the owner of such article, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.
- (c) No pawnbroker or secondhand dealer shall take in pawn, buy or acquire any secondhand article without first (i) ascertaining the identity of the seller by requiring an identifying credential as defined in section 27-6, and at least one other corroborating means of identification, and (ii) obtaining a statement of ownership from the seller.

Sec. 27-8. – Retention of purchases.

- (a) No pawnbroker shall sell any pawn or pledge until (i) it has been in his possession for the minimum term set forth in the memorandum, but not less than thirty (30) calendar days, plus a grace period of 15 calendar days and (ii) a statement of ownership is obtained from the pawner.
- (b) Every secondhand dealer shall retain all secondhand articles acquired by him for a minimum of fifteen (15) calendar days from the date on which a copy of the daily report required by section 27-10 is received by the chief of police of Hampton, Virginia or his designee. Until the expiration of this period, the secondhand dealer shall not sell, alter or dispose of any acquired item, in whole or in part, or remove it from the City of Hampton, Virginia.

Sec. 27-9. – Record of sales.

Every pawnbroker or secondhand dealer shall keep and maintain, for at least twenty-four (24) months, an accurate and legible record of the full name and residential address of every person to whom he sells any secondhand article in its original form after the waiting period required by section 27-8. This record shall also show the full name and residential address of the seller from whom the pawnbroker or secondhand dealer acquired such article.

Sec. 27-10. – Daily Reports.

- (a) Every pawnbroker or secondhand dealer shall furnish each business day, by 1:00 p.m., to the chief of police of Hampton, Virginia or his designee, a true and correct report of all articles purchased, sold, bartered or exchanged or otherwise coming into his possession, during the preceding business day, except such as is purchased at public auction. The report shall include:
 - (1) The seller's or pledger's full name, residential address, and driver's license number or other identifying credential as defined in section 27-6;
 - (2) A digital image of the identifying credential used by the seller or pledger; and

- (3) A description of the article sold or pledged. The description shall describe each article as accurately as possible and shall include any brand name, model number, serial number, initial or name or any other identifying marks found on the article.
- (b) The report shall be submitted in an electronic format as provided by the chief of police of Hampton, Virginia or his designee.
- (c) If the purchase, sale or acquisition occurs during a weekend or holiday, then the submittal of the electronic report required in subsection (a) shall be made no later than 1:00 p.m. the next regular business day.

Sec. 27-11. – Memorandum to be given pledger; fee; lost ticket charge.

Every pawnbroker shall at the time of each loan deliver to the pawner a memorandum or note, signed by him, containing the information required by section 27-6. A lost-ticket fee of five dollars (\$5.00) may be charged, provided that the pawner is notified of the fee on the ticket.

Sec. 27-12. – Interest chargeable.

- (a) No pawnbroker shall ask, demand or receive a greater rate of interest than ten percent per month on a loan of \$25 or less, or seven percent per month on a loan of more than \$25 and less than \$100, or five percent per month on a loan of \$100 or more, secured by a pledge of tangible personal property. No loan shall be divided for the purpose of increasing the percentage to be paid the pawnbroker. Loans may be renewed based on the original loan amount. Loans may not be issued that compound the interest or storage fees from previous loans on the same item.
- (b) An annual percentage rate computed and disclosed under the provisions of the federal Truth-in-Lending Act shall not be deemed a violation of this section.

Chapter 27.1 - Building Fixtures; Scrap Metal Purchasers and Precious Metal Dealers

Article I. – Building Fixtures.

- Sec. 27.1-1. – Definitions.
- Sec. 27.1-2. – Permit required for trading in secondhand building fixtures.
- Sec. 27.1-3. – Permit issued by chief of police; revocation.
- Sec. 27.1-4. – Who deemed a dealer.
- Sec. 27.1-5. – Dealer required to show permit and identification.
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Article II. – Scrap Metal Purchasers.

- Sec. 27.1-11. – Definitions.
- Sec. 27.1-12. – Purchases of ferrous scrap.
- Sec. 27.1-13. – Purchases of nonferrous scrap, metal articles, and proprietary articles.
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- Sec. 27.1-17. – Purchases of materials from minors.
- Sec. 27.1-18. – Penalties.

Article III. – Precious Metal Dealers.

- Sec. 27.1-19. – Definitions.
- Sec. 27.1-20. – Permit required; method of obtaining permit; no convictions of certain crimes; approval of weighing

devices; renewal; permanent location required.

Sec. 27.1-21. – Records to be kept; copy furnished to local authorities.

Sec. 27.1-22. – Daily Reports.

Sec. 27.1-23. – Officers may examine records or property; warrantless search and seizure authorized.

Sec. 27.1-24. – Prohibited purchases.

Sec. 27.1-25. – Dealer to retain purchases.

Sec. 27.1-26. – Record of disposition.

Sec. 27.1-27. – Exemptions from chapter.

Sec. 27.1-28. – Penalties; first and subsequent offenses.

Article I. – Building Fixtures.

Sec. 27.1-1. – Definitions.

As used in this article, unless the context requires a different meaning:

“Authorized scrap metal purchaser” has the same meaning as provided for the term “scrap metal purchaser” in section 27.1-11.

“Authorized scrap seller” means any licensed plumber, electrical contractor, HVAC contractor, or building and construction contractor.

“Secondhand building material” means any secondhand heating or plumbing fixture or supplies, electric fixtures, or any wiring, gas fixtures or appliances, water faucets, pipes, locks, or any other secondhand fixtures of any kind or description used in the construction of a building, including air conditioning coils and air conditioning compressors.

“Person” means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, or other private commercial entity.

“Regularly engaged” with respect to purchasing or acquiring secondhand building material means having conducted transactions involving, or having offered for sale, more than 600 pounds combined weight of secondhand building material or enters into more than 26 combined transactions annually.

Sec. 27.1-2. – Permit required for trading in secondhand building fixtures.

Except as otherwise provided in this article, no person shall offer for sale or acquire any secondhand building material, fixtures or supplies without first obtaining a permit for the sale or acquisition of the same from the chief of police of Hampton, Virginia or his designee.

Sec. 27.1-3. – Permit issued by chief of police; revocation.

The chief of police of Hampton, Virginia or his designee may issue, to persons regularly engaged in the business of collecting secondhand building materials for resale, a semiannual or annual permit covering all sales and acquisitions made by such persons. The chief of police may refuse to issue a permit, and may revoke any permit issued, to any person convicted of a felony or crime of moral turpitude within the three years prior to the request for the permit. The applicant shall file with the chief of police, or his designee, an application form that shall include the applicant's full name, any aliases, current address, age, date of birth, sex, and fingerprints; the name, address, and telephone number of the applicant's employer(s), if any; and the location of the applicant's place of business. A permit shall be valid for one (1) year from the date of issuance and may be renewed in the same manner as such permit was initially obtained. A fee of fifty dollars (\$50) shall be charged annually for the issuance of the permit.

Sec. 27.1-4. – Who deemed a dealer.

Every person who is regularly engaged in the purchasing or acquiring of secondhand building material for

the purpose of resale or installation on the property of another shall be deemed a dealer within the meaning of the provisions of this article.

Sec. 27.1-5. – Dealer required to show permit and identification.

Every dealer making a sale or purchase of a secondhand fixture pursuant to the provisions of this article shall first display the permit required by section 27.1-2 and also display positive photo identification to the purchaser or seller of such fixture.

Sec. 27.1-6. – Recordkeeping requirements.

- (a) At the time of purchasing, collecting, receiving, or acquiring a secondhand building fixture, the dealer shall be required to provide:
 - (1) The date and time of the secondhand building fixture's acquisition; and
 - (2) The address from which the property was acquired and, if available, a driver's license or other form of government identification to include the full name and date of birth of the person from whom the material was collected.
- (b) Every dealer shall keep at his place of business an accurate and legible record of every transaction involving a secondhand building fixture that is collected, received, acquired, or purchased by the dealer in the course of his business. The account shall be recorded at the time of the transaction, on a form approved by the chief of police of Hampton, Virginia or his designee, and shall include:
 - (1) A complete and accurate description of the secondhand building fixture that is the subject of the transaction;
 - (2) All information prescribed in subsection (a) regarding date, time, location and, if available, the full name and date of birth of the person with whom the dealer conducted the transaction;
 - (3) The license plate number of the automobile or other vehicle in which the secondhand building fixture was delivered or received; and
 - (4) The number of the permit issued pursuant to section 27.1-3 in which the transaction involving a secondhand building fixture occurred.
- (c) Records required by subsection (b) shall be maintained by the dealer at its normal place of business or at another readily accessible and secure location for a period of twenty-four (24) months. Such records may be maintained by the dealer in an electronic format.

Sec. 27.1-7. –Daily Reports.

- (a) Every dealer shall furnish each business day, by 1:00 p.m., to the chief of police of Hampton, Virginia or his designee, a true and correct report of every secondhand building fixture purchased, acquired, or received by him during the preceding business day. The report shall include:
 - (1) An accurate description of each secondhand building fixture purchased, acquired, or received by him;
 - (2) The date, time and location of the secondhand build fixture's acquisition;
 - (3) The number of the dealer's permit issued pursuant to section 27.1-3;
 - (4) The license plate number of any automobile or other vehicle in which the secondhand building fixture was collected or received; and

- (5) If available, the full name and date of birth of the person with whom the dealer conducted the transaction.
- (b) The report shall be submitted in an electronic format as provided by the chief of police of Hampton, Virginia or his designee.
- (c) If the purchase or acquisition occurs during a weekend or holiday, then the submittal of the electronic report required in subsection (a) shall be made no later than 1:00 p.m. the next regular business day.

Sec. 27.1-8. - Records and places of business open to inspection.

The records required by this article to be kept, and the places of business of all persons engaged in the acquiring, selling, receiving, or purchasing, secondhand building materials shall at all reasonable times be open to the inspection of any duly authorized law enforcement officer of the City of Hampton, Virginia, or any law enforcement official of the state or federal government.

Sec. 27.1-9. – Exemptions from article.

The provisions of this article shall not apply to:

- (1) The sale of secondhand building material taken from premises occupied by the owner, when sold by such owner on the premises, or the sale of such articles when purchased from a public utility corporation at its place of business or a governmental agency;
- (2) Scrap metal purchasers;
- (3) Authorized scrap sellers;
- (4) Public utilities;
- (5) Public transportation companies;
- (6) Industrial and manufacturing companies;
- (7) Marine, automobile, and aircraft salvage and wrecking companies; or
- (8) Governmental entities.

Sec. 27.1-10. – Penalty for violation.

Any person who violates this article shall be guilty of a Class 3 misdemeanor. A person convicted of a second or subsequent offense under this article is guilty of a Class 1 misdemeanor.

Article II. – Scrap Metal Purchasers.

Sec. 27.1-11. – Definitions.

For the purpose of this article:

“Authorized scrap seller” means licensed plumbers, electricians, HVAC contractors, building and construction contractors, demolition contractors, construction and demolition debris contractors, public utilities, transportation companies, industrial and manufacturing companies, marine, automobile, and aircraft salvage and wrecking companies, and government entities.

“Broker” means any person or his authorized agent who negotiates, purchases, sells, or offers for sale any scrap metal either directly or through an authorized agent without obtaining title to or ownership of the scrap metal.

“Ferrous scrap” means any scrap metal consisting primarily of iron, steel, or both, but excluding any scrap metal consisting primarily of stainless steel. Ferrous scrap includes large manufactured articles such as automobile bodies that may contain other substances to be removed and sorted during normal operations of scrap metal processors.

“Metal article” means any manufactured item, consisting of metal, that is usable for its originally intended purpose without processing, repairs, or alteration and that is not otherwise excluded by the definitions in this section. Examples include, without limitation, railings, copper or aluminum wire, copper pipe and tubing, plumbing fixtures, copper and aluminum gutters, copper and aluminum downspouts, and cast-iron radiators.

“Nonferrous scrap” means any scrap metal consisting primarily of (i) stainless steel or (ii) any metal other than iron or steel. Nonferrous scrap does not include aluminum beverage cans; postconsumer household items such as pots, pans, barbecue grills, and lawn chairs; used flashing removed during building renovation or demolition; or small quantities of nonferrous metals contained in large manufactured articles, such as automobile bodies and appliances.

“Proprietary article” means (i) any metal article stamped, engraved, stenciled, or otherwise marked so as to identify it as being or having been the property of a governmental entity or public utility or transportation, shipbuilding, ship repair, mining, or manufacturing company; (ii) any hard drawn copper electrical conductor, cable, or wire that is three-eighths of one inch or greater in diameter, stranded or solid; (iii) any aluminum conductor, cable, or wire three quarters of one inch or greater in diameter, stranded or solid; (iv) stainless steel beer kegs; (v) any catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle; (vi) any telecommunications cable that is one-half of one inch or greater in diameter and that contains 50 or more individual strands of solid, insulated, color-coded copper wire, including such telecommunication cable that has been unsheathed or burned; (vii) any manhole cover; (viii) any bronze or copper cemetery plaque, urn, or marker; (ix) aluminum bleacher seats or guardrails; or (x) any mining cable that is one-half inch or greater in diameter and is composed of one or more stranded copper conductors and stamped, engraved, stenciled, or otherwise marked with “Mine Safety and Health Administration” or “MSHA.”

“Scrap metal” means any manufactured item or article consisting of or containing metal; any metal removed from or obtained by cutting, demolishing, or disassembling any building, structure, manufactured item, or article; and any other metal that is no longer used for its original purpose and that can be processed for reuse in mills, foundries, and other manufacturing facilities.

“Scrap metal processor” means a business entity in good standing authorized to conduct business in the Commonwealth that regularly utilizes machinery and equipment at one or more established locations in the normal course of business for processing and manufacturing scrap metal into prepared grades for sale as raw material to mills, foundries, and other manufacturing facilities.

“Scrap metal purchaser” means any person or business, other than an authorized scrap seller or a broker buying or selling processed scrap metal, who purchases scrap metal either directly or through an authorized agent in excess of \$20,000 during any 12-month period.

Sec. 27.1-12. – Purchases of ferrous scrap.

Except as provided in section 27.1-17, scrap metal processors may purchase ferrous scrap directly from any person.

Sec. 27.1-13. – Purchases of nonferrous scrap, metal articles, and proprietary articles.

- (a) Except as provided in section 27.1-17, scrap metal purchasers may purchase nonferrous scrap, metal articles, and proprietary articles from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller only in accordance with the following requirements and

procedures:

- (1) At the time of sale, the scrap metal purchaser shall verify the identity of the seller of any nonferrous scrap, metal article, or proprietary article by requiring a driver's license or other identifying credential, as defined in subsection (d), and at least one other corroborating means of identification; and
 - (2) The scrap metal purchaser shall record the transaction in accordance with the requirements of section 27.1-14.
- (b) Upon compliance with the other requirements of this section and section 27.1-14 and 27.1-17, a scrap metal purchaser may purchase proprietary articles from a person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller if the scrap metal purchaser complies with one of the following:
- (1) The scrap metal purchaser receives from the person seeking to sell the proprietary articles documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, establishing that the person lawfully possesses the proprietary articles to be sold; or
 - (2) The scrap metal purchaser shall document a diligent inquiry into whether the person selling or delivering the same has a legal right to do so, and, after purchasing a proprietary article from a person without obtaining the documentation described in subdivision (1), shall submit a report to the chief of police of Hampton, Virginia or his designee in accordance with section 27.1-15, and hold the proprietary article for not less than fifteen (15) days following purchase.
- (c) The scrap metal purchaser may purchase nonferrous scrap, metal articles, and proprietary articles directly from an authorized scrap seller and from the authorized agent or employee of an authorized scrap seller.
- (d) An "identifying credential" shall be any valid operator's license, any valid chauffeur's license, or any valid identification card issued by a governmental agency. The photograph, date of birth, and signature of the person attempting to sell an article under this section must be affixed on the operator's license, chauffeur's license, or identification card in order for it to qualify as an identifying credential. No operator's license, chauffeur's license, or identification card shall be considered valid for the purpose of qualifying as an identifying credential if presented to a scrap metal purchaser or employee after its date of expiration.

Sec. 27.1-14. – Record of Purchases.

- (a) Every scrap metal purchaser shall keep at his place of business an accurate and legible record of every transaction where nonferrous scrap, metal articles, or proprietary articles are purchased or acquired by the scrap metal purchaser from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller. The account shall be recorded at the time of the transaction, on a form approved by the chief of police of Hampton, Virginia or his designee, and shall include:
- (1) A complete and accurate description of every article that is the subject of the transaction;
 - (2) The date, and time, and place of receiving the article;
 - (3) The full name, residence address, telephone number, and driver's license number or other identifying credential, as defined in section 27.1-13, of the person selling the article, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person.
 - (4) Verification of the identification by the exhibition of an identifying credential, as defined in section 27.1-13. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
 - (5) A digital image of the identifying credential used by the person involved in the transaction;

- (6) The license plate number of the automobile or other vehicle in which the article was delivered;
 - (7) For all propriety articles, a digital image that is of sufficient quality to reasonably identify the subject of the image; and
 - (8) All other facts and circumstances respecting such transaction.
- (b) All records required by this section shall be retained by the scrap metal purchaser for not less than twenty-four (24) months. Such records may be maintained by the scrap metal purchaser in an electronic format at his place of business.

Sec. 27.1-15. – Daily Reports.

- (a) Every scrap metal purchaser shall furnish each business day, by 1:00 p.m., to the chief of police of Hampton, Virginia or his designee, a true and correct report of all nonferrous scrap, metal articles, or proprietary articles purchased or acquired by the scrap metal purchaser from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller during the preceding business day. The report shall include:
- (1) The seller's full name, residential address, and driver's license number or other identifying credential as defined in section 27.1-13;
 - (2) A digital image of the identifying credential used by the seller;
 - (3) A complete and accurate description of the articles purchased; and
 - (4) For all propriety articles, a digital image that is of sufficient quality to reasonably identify the subject of the image
- (b) The report shall be submitted in an electronic format as provided by the chief of police of Hampton, Virginia or his designee.
- (c) If the purchase or acquisition occurs during a weekend or holiday, then the submittal of the electronic report required in subsection (a) shall be made no later than 1:00 p.m. the next regular business day.

Sec. 27.1-16. – Records and places of business open to inspection.

The records required by this article to be kept, and the places of business of all scrap metal purchasers, shall at all reasonable times be open to the inspection of duly authorized law-enforcement office of the City of Hampton, Virginia, or any law-enforcement official of the state or federal government.

Sec. 27.1-17. – Purchases of materials from minors.

Scrap metal purchasers shall not purchase ferrous scrap, nonferrous scrap, metal articles, proprietary articles, or other scrap metal from any person under the age of 18 years.

Sec. 27.1-18. – Penalties.

- (a) Any scrap metal purchaser who violates any provisions of this article may be assessed a civil penalty not to exceed \$7,500 for each violation. Any attorney for the City of Hampton, Virginia may bring a civil action to recover such a civil penalty. The civil penalty shall be paid into the local treasury.
- (b) Any scrap metal purchaser who knowingly violates any provisions of this article is guilty of a Class 1 misdemeanor.

Article III. – Precious Metal Dealers.

Sec. 27.1-19. – Definitions.

For the purposes of this article, unless the context requires a different meaning:

“*Coin*” means any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

“*Dealer*” means any person, firm, partnership, or corporation engaged in the business of (i) purchasing secondhand precious metals or gems; (ii) removing in any manner precious metals or gems from manufactured articles not then owned by the person, firm, partnership, or corporation; or (iii) buying, acquiring, or selling precious metals or gems removed from manufactured articles. “*Dealer*” includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal.

The definition of “dealer” shall not include persons engaged in the following:

- (1) Purchases of precious metals or gems directly from other dealers, manufacturers, or wholesalers for retail or wholesale inventories, provided that the selling dealer has complied with the provisions of this article.
- (2) Purchases of precious metals or gems from a qualified fiduciary who is disposing of the assets of an estate being administered by the fiduciary.
- (3) Acceptance by a retail merchant of trade-in merchandise previously sold by the retail merchant to the person presenting that merchandise for trade-in.
- (4) Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.
- (5) Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, dealers, or by mail originating outside the Commonwealth.
- (6) Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by-product.

“*Gems*” means any item containing precious or semiprecious stones customarily used in jewelry.

“*Precious metals*” means any item except coins composed in whole or in part of gold, silver, platinum, or platinum alloys.

Sec. 27.1-20. – Permit required; method of obtaining permit; no convictions of certain crimes; approval of weighing devices; renewal; permanent location required.

- (a) No person shall engage in the activities of a dealer as defined in section 27.1-19 without first obtaining a permit from the chief of police of Hampton, Virginia or his designee.
- (b) To obtain a permit, the dealer shall file with the chief of police an application form which includes the dealer's full name, any aliases, residential address, age, date of birth, sex, and fingerprints; the name, address, and telephone number of the applicant's employer(s), if any; and the location of the dealer's place of business. Upon filing this application and the payment of a two hundred dollar (\$200) application fee, the dealer shall be issued a permit by the chief of police, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven (7) years prior to the date of application. The permit shall be

denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this article.

- (c) Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the chief of police of Hampton, Virginia or his designee.
- (d) This permit shall be valid for one (1) year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual permit fee of two hundred dollar (\$200). No permit shall be transferable.
- (e) Every dealer at the time of obtaining such permit shall obtain and provide to the City of Hampton, Virginia a bond secured by a corporate surety authorized to do business in this Commonwealth, in the penal sum of ten thousand dollars (\$10,000.00), conditioned upon strict compliance with the terms of this article. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth a letter of credit in favor of the City of Hampton, Virginia for ten thousand dollars (\$10,000.00).
- (f) If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and recognized holidays excepted, the dealer shall notify the chief of police of Hampton, Virginia or his designee of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

Sec. 27.1-21. – Records to be kept; copy furnished to local authorities.

- (a) Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The account shall be recorded at the time of the transaction, on a form approved by the chief of police of Hampton, Virginia or his designee, and shall include:
 - (1) A complete description and statement of ownership of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers, or other identifying marks or monograms on each item purchased, the true weight or carat of any gem, and the price paid for each item;
 - (2) The date, time, and place of receiving the items purchased;
 - (3) The full name, residence address, telephone numbers, and driver's license number or other identifying credential, as defined in subsection (d), of the person selling or pledging the article, together with a particular description, including height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person;
 - (4) Verification of the identification by the exhibition of an identifying credential, as defined in subsection (d). The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
 - (5) A digital image of the form of identification used by the person involved in the transaction; and
 - (6) All other facts and circumstances respecting such transaction.
- (b) All records required by this section shall be retained by the dealer for not less than twenty-four (24) months. Such records may be maintained by the dealer in an electronic format at his place of business.
- (c) The information required by subdivisions (a)(1) through (a)(3) shall appear on each bill of sale for all precious metals and gems purchased by a dealer.
- (d) An "identifying credential" shall be any valid operator's license, any valid chauffeur's license, or any valid

identification card issued by a governmental agency. The photograph, date of birth, and signature of the person attempting to sell an article under this section must be affixed on the operator's license, chauffeur's license, or identification card in order for it to qualify as an identifying credential. No operator's license, chauffeur's license, or identification card shall be considered valid for the purpose of qualifying as an identifying credential if presented to dealer or employee after its date of expiration.

Sec. 27.1-22. – Daily Reports.

- (a) Every dealer shall furnish each business day, by 1:00 p.m., to the chief of police of Hampton, Virginia or his designee, a true and correct report of all precious metal or gems items purchased or acquired by the dealer during the preceding business day. The report shall include:
 - (1) The seller's full name, residential address, and driver's license number or other identifying credential as defined in section 27.1-21;
 - (2) A digital image of the identifying credential used by the seller; and
 - (3) A description of the article purchased. The description shall describe each article as accurately as possible and shall include any names, initials, serial numbers, or other identifying marks or monograms on each article purchased, and the true weight or carat of any gem.
- (b) The report shall be submitted in an electronic format as provided by the chief of police of Hampton, Virginia or his designee.
- (c) If the purchase or acquisition occurs during a weekend or holiday, then the submittal of the electronic report required in subsection (a) shall be made no later than 1:00 p.m. the next regular business day.

Sec. 27.1-23. – Officers may examine records or property; warrantless search and seizure authorized.

Every dealer or his employee shall admit to his place of business, during regular business hours, any duly authorized law enforcement officer of the City of Hampton, Virginia, or any law enforcement officer of the state or federal government. The dealer or his employee shall permit the officer to (i) examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen and (ii) search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen. However, the officer shall not take possession of any article without providing to the dealer a receipt.

Sec. 27.1-24. – Prohibited purchases.

- (a) No dealer shall purchase precious metals or gems from any seller who is under the age of eighteen.
- (b) No dealer shall purchase precious metals or gems from any seller who the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.
- (c) No dealer shall purchase precious metals or gems without first (i) ascertaining the identity of the seller by requiring an identifying credential as defined in section 27.1-20, and at least one other corroborating means of identification, and (ii) obtaining a statement of ownership from the seller.

Sec. 27.1-25. – Dealer to retain purchases.

- (a) The dealer shall retain all precious metals or gems purchased for a minimum of twenty (20) calendar days from the date on which a copy of the daily report required by section 27.1-21 is received by the chief of police of Hampton, Virginia or his designee. Until the expiration of this period, the dealer shall not sell, alter, or dispose of a purchased item in whole or in part, or remove it from the City of Hampton, Virginia.
- (b) If a dealer performs the service of removing precious metals or gems, he shall retain the metals or gems

removed and the article from which the removal was made for a period of twenty (20) calendar days after receiving such article and precious metals or gems.

Sec. 27.1-26. – Record of disposition.

Each dealer shall maintain for at least twenty-four (24) months an accurate and legible record of the full name and address of the person, firm, or corporation to which he sells any precious metal or gem in its original form after the waiting period required by section 27.1-25. This record shall also show the full name and address of the seller from whom the dealer purchased the item.

Sec. 27.1-27. – Exemptions from chapter.

- (a) The chief of police of Hampton, Virginia or his designee, may waive by written notice implementation of any one or more of the provisions of this article, except section 27.1-24, for particular numismatic, gem, or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibitions is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions.
- (b) The provisions of this article shall not apply to the sale or purchase of coins.
- (c) The provisions of this article shall not apply to any bank, branch thereof, trust company or bank holding company, or any wholly owned subsidiary thereof, engaged in buying or selling gold and silver bullion.

Sec. 27.1-28. – Penalties; first and subsequent offenses.

- (a) Any person convicted of violating any of the provisions of this article shall be guilty of a Class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense he shall be guilty of a Class 1 misdemeanor.
- (b) Upon the first conviction of a dealer for violation of any provision of this chapter, the chief of police of Hampton, Virginia may revoke the dealer's permit for one (1) full year from the date the conviction becomes final. Such revocation shall be mandatory for two (2) full years from the date the conviction becomes final upon a second conviction.

Chapter 27 – Pawnbrokers; Junk and Secondhand Dealers

Sec. 27-1. – Definitions.

Sec. 27-2. – Violations of chapter.

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Sec. 27-12. – Interest chargeable.

Sec. 27-1. – Definitions.

~~For the purposes of this chapter, a "dealer" is any person engaged in the business of buying or selling secondhand articles, including pawnbrokers, junk dealers, antique dealers, dealers in secondhand clothing, furniture, appliances and similar articles and itinerant buyers or sellers, except that a person participating in licensed antique shows, arts and crafts shows and collector's shows shall not be considered a dealer for the purposes of this chapter. "Dealer" shall also include all employers and principals on whose behalf a purchase is made and any employee or agent who makes any purchase for or on behalf of his employer or principal.~~

"Pawnbroker" means any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

"Secondhand dealer" means any person who buys, sells, barter or exchanges used or secondhand articles, including but not limited to such items as firearms, office machines, household appliances, radios, television sets, cellphones, electronic equipment, sporting equipment, photographic equipment, or any other secondhand merchandise intended to be resold for use as such. This definition does not include those persons who exclusively buy, sell, barter or exchange used or secondhand clothing, furniture and non-electronic children's articles; nor does it include those persons who buy, sell, barter or exchange used or secondhand items defined and regulated by chapter 27.1.

Sec. 27-2. – Violations of chapter.

- (a) *Unless otherwise specifically provided in this chapter,* ~~Any person convicted of violating a violation of any of the provisions of this chapter shall be guilty of~~ *constitute* a Class 4 2 misdemeanor for the first offense. ~~Upon conviction of any subsequent offense, he shall be guilty of a Class 1 misdemeanor.~~

- (b) ~~Upon the first conviction by any court of a dealer for violation of any provision of this chapter, the chief of police may petition the circuit court to revoke the certificate permitting the operation of the business for a period of one full year from the date the conviction becomes final. Upon a second conviction, the chief of police shall petition the circuit court to revoke the certificate permitting the operation of the business for a period of one full year from the date the conviction becomes final.~~ *In addition to any penalty that may be imposed for a violation of this chapter, upon the second conviction of any pawnbroker or secondhand dealer for a violation of this chapter, the judge of a court of competent jurisdiction may, at his discretion, revoke or suspend the license of the offender.*

Sec. 27-3. – Right of entry of police. *Officers may examine records or property; warrantless search and seizure authorized.*

Every dealer ~~pawnbroker or secondhand dealer~~ and every person in the employ of such dealer ~~pawnbroker or secondhand dealer~~ shall admit to his premises *place of business*, during regular business hours, ~~the chief of police or any police~~ *any duly authorized law-enforcement officer of the City of Hampton, Virginia, or any law-enforcement official of the state or federal government. The pawnbroker or secondhand dealer or their employee,* and shall permit such police ~~the officer to~~ *(i) examine all records required to be maintained by this chapter and any article listed in a record which is believed by the officer to be missing or stolen and (ii) search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen. However, the officer shall not take possession of any article without providing to the pawnbroker or secondhand dealer a receipt* to examine and take into possession any article listed in a record which is believed by the police officer to be missing or stolen.

Sec. 27-4. – Identification of persons from whom articles acquired.

~~It shall be unlawful for any dealer to take in pawn, buy or acquire any secondhand articles without first ascertaining the identity of the seller by requiring an identification issued by a governmental agency, with a photograph of the seller thereon, and at least one other corroborating means of identification.~~

Sec. 27-54. – Identification numbers on property acquired.

~~It shall be unlawful for any dealer~~ *No pawnbroker or secondhand dealer* ~~to~~ *shall* remove, change, alter or conceal any serial or other identification number which may be attached or affixed to any property of any kind received by such dealer ~~pawnbroker or secondhand dealer,~~ without the consent of the chief of police *of Hampton, Virginia* or his designee, nor shall such dealer knowingly take in pawn, buy or acquire or keep in his possession any such property, the serial or identification number of which has been removed, changed or altered, without the consent of the chief of police *of Hampton, Virginia* or his designee.

Sec. 27-65. – Pawnbrokers not to disfigure or conceal property pledged *Property pawned or purchased not to be disfigured or changed.*

No property of any kind received on deposit or pledged *d or purchased* by any pawnbroker shall be disfigured or its identity destroyed or affected in any manner whatsoever, *(i)* so long as it continues in pawn or in the possession of such ~~the~~ pawnbroker, ~~nor shall such property be in any manner concealed for the space of forty-eight (48) hours after the same has been received~~

~~by such pawnbroker~~ *while in pawn or (ii) in an effort to obtain a serial number or other information for identification purposes.*

Sec. 27-76. – Record of purchases.

- (a) Every ~~dealer~~ *pawnbroker or secondhand dealer* shall keep at his place of business an accurate and legible record of every *transaction where an* article *is* taken in pawn, bought or acquired by such ~~dealer~~ *pawnbroker or secondhand dealer in the course of his business. These records shall set forth the following* *The information shall be recorded at the time of the transaction, on a form approved by the chief of police of Hampton, Virginia or his designee, and shall include:*
- (1) A complete description *and statement of ownership* of each ~~item~~ *article* taken in pawn, bought or acquired from the ~~seller~~ *person selling or pledging the article* and the price paid for such item. The description shall include all names, initials, serial numbers or other identifying marks or monograms on each ~~item~~ *article*.
 - (2) The date, ~~and time,~~ *and place* of receiving the ~~items~~ *article* and the initials of the ~~dealer~~ *pawnbroker or secondhand dealer* or employee receiving the ~~items~~ *article*.
 - (3) The *full* name, *residence* address, ~~age, sex, race~~ *telephone number, and driver's license or social security number and signature of the seller and statement of ownership driver's license number or other identifying credential, as defined in subsection (c), of the person selling or pledging the article, together with a particular description, including the height, weight, date of birth, gender, hair and eye color, and any other identifying marks, of such person.*
 - (4) *Verification of the identification by the exhibition of an identifying credential, as defined in subsection (c). The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;*
 - (5) *A digital image of the identifying credential used by the person involved in the transaction;*
 - (6) *All other facts and circumstances respecting such transaction.*
- ~~(b) The records required by subsection (a) of this section shall be kept on forms approved by the chief of police, and a copy of such records shall be mailed or delivered, within twenty-four (24) hours of the time of the transaction, to the chief of police.~~
- (~~e~~b) In addition to the ~~records~~ *information* required by subsection (a), pawnbrokers shall ~~keep the following records~~ *include the following information in their account of the transaction:*
- (1) The amount of money loaned on the ~~goods~~ *article* at the time of pledging the same.
 - (2) The rate of interest to be paid on such loan.
 - (3) The terms and conditions of the loan, including the period for which any such loan may be made.

(4) *All other facts and circumstances respecting such loan.*

- (c) *An "identifying credential" is any valid operator's license, any valid chauffeur's license, or any valid identification card issued by a governmental agency. The photograph, date of birth, and signature of the person attempting to pledge or sell an article under this section must be affixed on the operator's license, chauffeur's license, or identification card in order for it to qualify as an identifying credential. No operator's license, chauffeur's license, or identification card shall be considered valid for the purpose of qualifying as an identifying credential if presented to pawnbroker or secondhand dealer or employee after its date of expiration.*
- (d) All records required by this section shall be retained by the ~~dealer~~ *pawnbroker or secondhand dealer* for not less than twenty-four (24) months. *Such records may be maintained by the pawnbroker or secondhand dealer in an electronic format at his place of business.*

Sec. 27-87. – Prohibited purchases.

- (a) No ~~dealer~~ *pawnbroker or secondhand dealer* shall take in pawn, buy or acquire any secondhand article from any seller who is under the age of eighteen (18) years.
- (b) No ~~dealer~~ *pawnbroker or secondhand dealer* shall take in pawn, buy or acquire any secondhand article from any seller who the ~~dealer~~ *pawnbroker or secondhand dealer* believes or has reason to believe is not the owner of such ~~item~~ *article*, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.
- (c) *No pawnbroker or secondhand dealer shall take in pawn, buy or acquire any secondhand article without first (i) ascertaining the identity of the seller by requiring an identifying credential as defined in section 27-6, and at least one other corroborating means of identification, and (ii) obtaining a statement of ownership from the seller.*

Sec. 27-98. – Retention of purchases.

- (a) No pawnbroker shall sell any pawn or pledge until (i) it has been in his possession for ~~four (4) months, unless a shorter period of not~~ *the minimum term set forth in the memorandum, but not* less than thirty (30) *calendar* days ~~is agreed to in writing by the pawnbroker, plus a grace period of 15 calendar days~~ and (ii) a statement of ownership is obtained from the pawnbroker. ~~All sales of items pursuant to this section shall be made at a public auction conducted by a licensed auctioneer.~~
- (b) ~~Every other dealer~~ *Every secondhand dealer* shall retain all secondhand articles acquired by him for a minimum of ~~ten fifteen (10 15)~~ calendar days from the date on which a copy of the ~~record~~ *daily report* required by section 27-7 ~~10~~ is received by the chief of police *of Hampton, Virginia or his designee*. Until the expiration of this period, the ~~dealer~~ *secondhand dealer* shall not sell, alter or dispose of any acquired item, in whole or in part, or remove it from the ~~eCity~~ *of Hampton, Virginia*.

Sec. 27-109. – Record of sales.

~~Each dealer~~ *Every pawnbroker or secondhand dealer* shall keep and maintain, for at least twenty-four (24) months, an accurate and legible record of the *full* name and *residential* address of every person to whom he sells any secondhand article in its original form after the waiting period required by section 27-8. This record shall also show the *full* name and *residential* address of the seller from whom the ~~dealer~~ *pawnbroker or secondhand dealer* acquired such article.

Sec. 27-10. – Daily Reports.

- (a) *Every pawnbroker or secondhand dealer shall furnish each business day, by 1:00 p.m., to the chief of police of Hampton, Virginia or his designee, a true and correct report of all articles purchased, sold, bartered or exchanged or otherwise coming into his possession, during the preceding business day, except such as is purchased at public auction. The report shall include:*
 - (1) *The seller's or pledger's full name, residential address, and driver's license number or other identifying credential as defined in section 27-6;*
 - (2) *A digital image of the identifying credential used by the seller or pledger; and*
 - (3) *A description of the article sold or pledged. The description shall describe each article as accurately as possible and shall include any brand name, model number, serial number, initial or name or any other identifying marks found on the article.*
- (b) *The report shall be submitted in an electronic format as provided by the chief of police of Hampton, Virginia or his designee.*
- (c) *If the purchase, sale or acquisition occurs during a weekend or holiday, then the submittal of the electronic report required in subsection (a) shall be made no later than 1:00 p.m. the next regular business day.*

Sec. 27-11. – Memorandum to be given pledger; fee; lost ticket charge.

Every pawnbroker shall at the time of each loan deliver to the pawner a memorandum or note, signed by him, containing the information required by section 27-6. A lost-ticket fee of five dollars (\$5.00) may be charged, provided that the pawner is notified of the fee on the ticket.

Sec. 27-12. – Interest chargeable.

- (a) *No pawnbroker shall ask, demand or receive a greater rate of interest than ten percent per month on a loan of \$25 or less, or seven percent per month on a loan of more than \$25 and less than \$100, or five percent per month on a loan of \$100 or more, secured by a pledge of tangible personal property. No loan shall be divided for the purpose of increasing the percentage to be paid the pawnbroker. Loans may be renewed based on the original loan amount. Loans may not be issued that compound the interest or storage fees from previous loans on the same item.*
- (b) *An annual percentage rate computed and disclosed under the provisions of the federal Truth-in-Lending Act shall not be deemed a violation of this section.*

Chapter 27.1 - Building Fixtures; Scrap Metal Purchasers and Precious Metal Dealers

Article I. – Building Fixtures.

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Sec. 27.1-2. – Permit required for trading in secondhand building fixtures.

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Article II. – Scrap Metal Purchasers.

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Sec. 27.1-12. – Purchases of ferrous scrap.

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Article III. – Precious Metal Dealers.

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Sec. 27.1-20. – Permit required; method of obtaining permit; no convictions of certain crimes; approval of weighing devices; renewal; permanent location required.

Sec. 27.1-21. – Records to be kept; copy furnished to local authorities.

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Sec. 27.1-27. – Exemptions from chapter.

Sec. 27.1-28. – Penalties; first and subsequent offenses.

Article I. – Building Fixtures.

Sec. 27.1-1. – Definitions.

As used in this article, unless the context requires a different meaning:

“Authorized scrap metal purchaser” has the same meaning as provided for the term “scrap metal purchaser” in section 27.1-11.

“Authorized scrap seller” means any licensed plumber, electrical contractor, HVAC contractor, or building and construction contractor.

“Secondhand building material” means any secondhand heating or plumbing fixture or supplies, electric fixtures, or any wiring, gas fixtures or appliances, water faucets, pipes, locks, or any other secondhand fixtures of any kind or description used in the construction of a building, including air conditioning coils and air conditioning compressors.

“Person” means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, or other private commercial entity.

“Regularly engaged” with respect to purchasing or acquiring secondhand building material means having conducted transactions involving, or having offered for sale, more than 600 pounds combined weight of secondhand building material or enters into more than 26 combined transactions annually.

Sec. 27.1-2. – Permit required for trading in secondhand building fixtures.

Except as otherwise provided in this article, no person shall offer for sale or acquire any secondhand building material, fixtures or supplies without first obtaining a permit for the sale or acquisition of the same from the chief of police of Hampton, Virginia or his designee.

Sec. 27.1-3. – Permit issued by chief of police; revocation.

The chief of police of Hampton, Virginia or his designee may issue, to persons regularly engaged in the business of collecting secondhand building materials for resale, a semiannual or annual permit covering all sales and acquisitions made by such persons. The chief of police may refuse to issue a permit, and may revoke any permit issued, to any person convicted of a felony or crime of moral turpitude within the three years prior to the request for the permit. The applicant shall file with the chief of police, or his designee, an application form that shall include the applicant's full name, any aliases, current address, age, date of birth, sex, and fingerprints; the name, address, and telephone number of the applicant's employer(s), if any; and the location of the applicant's place of business. A permit shall be valid for one (1) year from the date of issuance and may be renewed in the same manner as such permit was initially obtained. A fee of fifty dollars (\$50) shall be charged annually for the issuance of the permit.

Sec. 27.1-4. – Who deemed a dealer.

Every person who is regularly engaged in the purchasing or acquiring of secondhand building material-for the purpose of resale or installation on the property of another shall be deemed a dealer within the meaning of the provisions of this article.

Sec. 27.1-5. – Dealer required to show permit and identification.

Every dealer making a sale or purchase of a secondhand fixture pursuant to the provisions of this article shall first display the permit required by section 27.1-2 and also display positive photo identification to the purchaser or seller of such fixture.

Sec. 27.1-6. – Recordkeeping requirements.

(a) *At the time of purchasing, collecting, receiving, or acquiring a secondhand building fixture, the dealer shall be required to provide:*

(1) *The date and time of the secondhand building fixture's acquisition; and*

- (2) *The address from which the property was acquired and, if available, a driver's license or other form of government identification to include the full name and date of birth of the person from whom the material was collected.*
- (b) *Every dealer shall keep at his place of business an accurate and legible record of every transaction involving a secondhand building fixture that is collected, received, acquired, or purchased by the dealer in the course of his business. The account shall be recorded at the time of the transaction, on a form approved by the chief of police of Hampton, Virginia or his designee, and shall include:*
 - (1) *A complete and accurate description of the secondhand building fixture that is the subject of the transaction;*
 - (2) *All information prescribed in subsection (a) regarding date, time, location and, if available, the full name and date of birth of the person with whom the dealer conducted the transaction;*
 - (3) *The license plate number of the automobile or other vehicle in which the secondhand building fixture was delivered or received; and*
 - (4) *The number of the permit issued pursuant to section 27.1-3 in which the transaction involving a secondhand building fixture occurred.*
- (c) *Records required by subsection (b) shall be maintained by the dealer at its normal place of business or at another readily accessible and secure location for a period of twenty-four (24) months. Such records may be maintained by the dealer in an electronic format.*

Sec. 27.1-7. –Daily Reports.

- (a) *Every dealer shall furnish each business day, by 1:00 p.m., to the chief of police of Hampton, Virginia or his designee, a true and correct report of every secondhand building fixture purchased, acquired, or received by him during the preceding business day. The report shall include:*
 - (1) *An accurate description of each secondhand building fixture purchased, acquired, or received by him;*
 - (2) *The date, time and location of the secondhand build fixture's acquisition;*
 - (3) *The number of the dealer's permit issued pursuant to section 27.1-3;*
 - (4) *The license plate number of any automobile or other vehicle in which the secondhand building fixture was collected or received; and*
 - (5) *If available, the full name and date of birth of the person with whom the dealer conducted the transaction.*
- (b) *The report shall be submitted in an electronic format as provided by the chief of police of Hampton, Virginia or his designee.*

- (c) *If the purchase or acquisition occurs during a weekend or holiday, then the submittal of the electronic report required in subsection (a) shall be made no later than 1:00 p.m. the next regular business day.*

Sec. 27.1-8. - Records and places of business open to inspection.

The records required by this article to be kept, and the places of business of all persons engaged in the acquiring, selling, receiving, or purchasing, secondhand building materials shall at all reasonable times be open to the inspection of any duly authorized law enforcement officer of the City of Hampton, Virginia, or any law enforcement official of the state or federal government.

Sec. 27.1-9. – Exemptions from article.

The provisions of this article shall not apply to:

- (1) The sale of secondhand building material taken from premises occupied by the owner, when sold by such owner on the premises, or the sale of such articles when purchased from a public utility corporation at its place of business or a governmental agency;*
- (2) Scrap metal purchasers;*
- (3) Authorized scrap sellers;*
- (4) Public utilities;*
- (5) Public transportation companies;*
- (6) Industrial and manufacturing companies;*
- (7) Marine, automobile, and aircraft salvage and wrecking companies; or*
- (8) Governmental entities.*

Sec. 27.1-10. – Penalty for violation.

Any person who violates this article shall be guilty of a Class 3 misdemeanor. A person convicted of a second or subsequent offense under this article is guilty of a Class 1 misdemeanor.

Article II. – Scrap Metal Purchasers.

Sec. 27.1-11. – Definitions.

For the purpose of this article:

“Authorized scrap seller” means licensed plumbers, electricians, HVAC contractors, building and construction contractors, demolition contractors, construction and demolition debris

contractors, public utilities, transportation companies, industrial and manufacturing companies, marine, automobile, and aircraft salvage and wrecking companies, and government entities.

“Broker” means any person or his authorized agent who negotiates, purchases, sells, or offers for sale any scrap metal either directly or through an authorized agent without obtaining title to or ownership of the scrap metal.

“Ferrous scrap” means any scrap metal consisting primarily of iron, steel, or both, but excluding any scrap metal consisting primarily of stainless steel. Ferrous scrap includes large manufactured articles such as automobile bodies that may contain other substances to be removed and sorted during normal operations of scrap metal processors.

“Metal article” means any manufactured item, consisting of metal, that is usable for its originally intended purpose without processing, repairs, or alteration and that is not otherwise excluded by the definitions in this section. Examples include, without limitation, railings, copper or aluminum wire, copper pipe and tubing, plumbing fixtures, copper and aluminum gutters, copper and aluminum downspouts, and cast-iron radiators.

“Nonferrous scrap” means any scrap metal consisting primarily of (i) stainless steel or (ii) any metal other than iron or steel. Nonferrous scrap does not include aluminum beverage cans; postconsumer household items such as pots, pans, barbecue grills, and lawn chairs; used flashing removed during building renovation or demolition; or small quantities of nonferrous metals contained in large manufactured articles, such as automobile bodies and appliances.

“Proprietary article” means (i) any metal article stamped, engraved, stenciled, or otherwise marked so as to identify it as being or having been the property of a governmental entity or public utility or transportation, shipbuilding, ship repair, mining, or manufacturing company; (ii) any hard drawn copper electrical conductor, cable, or wire that is three-eighths of one inch or greater in diameter, stranded or solid; (iii) any aluminum conductor, cable, or wire three quarters of one inch or greater in diameter, stranded or solid; (iv) stainless steel beer kegs; (v) any catalytic converter from a motor vehicle exhaust system that has been detached from a motor vehicle; (vi) any telecommunications cable that is one-half of one inch or greater in diameter and that contains 50 or more individual strands of solid, insulated, color-coded copper wire, including such telecommunication cable that has been unsheathed or burned; (vii) any manhole cover; (viii) any bronze or copper cemetery plaque, urn, or marker; (ix) aluminum bleacher seats or guardrails; or (x) any mining cable that is one-half inch or greater in diameter and is composed of one or more stranded copper conductors and stamped, engraved, stenciled, or otherwise marked with “Mine Safety and Health Administration” or “MSHA.”

“Scrap metal” means any manufactured item or article consisting of or containing metal; any metal removed from or obtained by cutting, demolishing, or disassembling any building, structure, manufactured item, or article; and any other metal that is no longer used for its original purpose and that can be processed for reuse in mills, foundries, and other manufacturing facilities.

“Scrap metal processor” means a business entity in good standing authorized to conduct business in the Commonwealth that regularly utilizes machinery and equipment at one or more established locations in the normal course of business for processing and manufacturing scrap metal into prepared grades for sale as raw material to mills, foundries, and other manufacturing facilities.

“Scrap metal purchaser” means any person or business, other than an authorized scrap seller or a broker buying or selling processed scrap metal, who purchases scrap metal either directly or through an authorized agent in excess of \$20,000 during any 12-month period.

Sec. 27.1-12. – Purchases of ferrous scrap.

Except as provided in section 27.1-17, scrap metal processors may purchase ferrous scrap directly from any person.

Sec. 27.1-13. – Purchases of nonferrous scrap, metal articles, and proprietary articles.

- (a) Except as provided in section 27.1-17, scrap metal purchasers may purchase nonferrous scrap, metal articles, and proprietary articles from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller only in accordance with the following requirements and procedures:*
 - (1) At the time of sale, the scrap metal purchaser shall verify the identity of the seller of any nonferrous scrap, metal article, or proprietary article by requiring a driver’s license or other identifying credential, as defined in subsection (d), and at least one other corroborating means of identification; and*
 - (2) The scrap metal purchaser shall record the transaction in accordance with the requirements of section 27.1-14.*
- (b) Upon compliance with the other requirements of this section and section 27.1-14 and 27.1-17, a scrap metal purchaser may purchase proprietary articles from a person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller if the scrap metal purchaser complies with one of the following:*
 - (1) The scrap metal purchaser receives from the person seeking to sell the proprietary articles documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, establishing that the person lawfully possesses the proprietary articles to be sold; or*
 - (2) The scrap metal purchaser shall document a diligent inquiry into whether the person selling or delivering the same has a legal right to do so, and, after purchasing a proprietary article from a person without obtaining the documentation described in subdivision (1), shall submit a report to the chief of police of Hampton, Virginia or his designee in accordance with section 27.1-15, and hold the proprietary article for not less than fifteen (15) days following purchase.*
- (c) The scrap metal purchaser may purchase nonferrous scrap, metal articles, and proprietary articles directly from an authorized scrap seller and from the authorized agent or employee of an authorized scrap seller.*
- (d) An “identifying credential” shall be any valid operator’s license, any valid chauffeur’s license, or any valid identification card issued by a governmental agency. The photograph, date of birth, and signature of the person attempting to sell an article under this section must be affixed on the operator’s license, chauffeur’s license, or identification card in order for it to qualify as an identifying credential. No operator’s*

license, chauffeur's license, or identification card shall be considered valid for the purpose of qualifying as an identifying credential if presented to a scrap metal purchaser or employee after its date of expiration.

Sec. 27.1-14. – Record of Purchases.

- (a) Every scrap metal purchaser shall keep at his place of business an accurate and legible record of every transaction where nonferrous scrap, metal articles, or proprietary articles are purchased or acquired by the scrap metal purchaser from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller. The account shall be recorded at the time of the transaction, on a form approved by the chief of police of Hampton, Virginia or his designee, and shall include:*
 - (1) A complete and accurate description of every article that is the subject of the transaction;*
 - (2) The date, and time, and place of receiving the article;*
 - (3) The full name, residence address, telephone number, and driver's license number or other identifying credential, as defined in section 27.1-13, of the person selling the article, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person.*
 - (4) Verification of the identification by the exhibition of an identifying credential, as defined in section 27.1-13. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;*
 - (5) A digital image of the identifying credential used by the person involved in the transaction;*
 - (6) The license plate number of the automobile or other vehicle in which the article was delivered;*
 - (7) For all propriety articles, a digital image that is of sufficient quality to reasonably identify the subject of the image; and*
 - (8) All other facts and circumstances respecting such transaction.*
- (b) All records required by this section shall be retained by the scrap metal purchaser for not less than twenty-four (24) months. Such records may be maintained by the scrap metal purchaser in an electronic format at his place of business.*

Sec. 27.1-15. – Daily Reports.

- (a) Every scrap metal purchaser shall furnish each business day, by 1:00 p.m., to the chief of police of Hampton, Virginia or his designee, a true and correct report of all nonferrous scrap, metal articles, or proprietary articles purchased or acquired by the scrap metal purchaser from any person who is not an authorized scrap seller or the authorized agent and employee of an authorized scrap seller during the preceding business day. The report shall include:*

- (1) *The seller's full name, residential address, and driver's license number or other identifying credential as defined in section 27.1-13;*
 - (2) *A digital image of the identifying credential used by the seller;*
 - (3) *A complete and accurate description of the articles purchased; and*
 - (4) *For all propriety articles, a digital image that is of sufficient quality to reasonably identify the subject of the image*
- (b) *The report shall be submitted in an electronic format as provided by the chief of police of Hampton, Virginia or his designee.*
- (c) *If the purchase or acquisition occurs during a weekend or holiday, then the submittal of the electronic report required in subsection (a) shall be made no later than 1:00 p.m. the next regular business day.*

Sec. 27.1-16. – Records and places of business open to inspection.

The records required by this article to be kept, and the places of business of all scrap metal purchasers, shall at all reasonable times be open to the inspection of duly authorized law-enforcement office of the City of Hampton, Virginia, or any law-enforcement official of the state or federal government.

Sec. 27.1-17. – Purchases of materials from minors.

Scrap metal purchasers shall not purchase ferrous scrap, nonferrous scrap, metal articles, proprietary articles, or other scrap metal from any person under the age of 18 years.

Sec. 27.1-18. – Penalties.

- (a) *Any scrap metal purchaser who violates any provisions of this article may be assessed a civil penalty not to exceed \$7,500 for each violation. Any attorney for the City of Hampton, Virginia may bring a civil action to recover such a civil penalty. The civil penalty shall be paid into the local treasury.*
- (b) *Any scrap metal purchaser who knowingly violates any provisions of this article is guilty of a Class 1 misdemeanor.*

Article III. – Precious Metal Dealers.

Sec. 27.1-19. – Definitions.

For the purposes of this article, unless the context requires a different meaning:

“Coin” means any piece of gold, silver or other metal fashioned into a prescribed shape, weight and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

“Dealer” means any person, firm, partnership, or corporation engaged in the business of (i) purchasing secondhand precious metals or gems; (ii) removing in any manner precious metals or gems from manufactured articles not then owned by the person, firm, partnership, or corporation; or (iii) buying, acquiring, or selling precious metals or gems removed from manufactured articles. “Dealer” includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal.

The definition of “dealer” shall not include persons engaged in the following:

- (1) Purchases of precious metals or gems directly from other dealers, manufacturers, or wholesalers for retail or wholesale inventories, provided that the selling dealer has complied with the provisions of this article.*
- (2) Purchases of precious metals or gems from a qualified fiduciary who is disposing of the assets of an estate being administered by the fiduciary.*
- (3) Acceptance by a retail merchant of trade-in merchandise previously sold by the retail merchant to the person presenting that merchandise for trade-in.*
- (4) Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.*
- (5) Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, dealers, or by mail originating outside the Commonwealth.*
- (6) Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by-product.*

“Gems” means any item containing precious or semiprecious stones customarily used in jewelry.

“Precious metals” means any item except coins composed in whole or in part of gold, silver, platinum, or platinum alloys.

Sec. 27.1-20. – Permit required; method of obtaining permit; no convictions of certain crimes; approval of weighing devices; renewal; permanent location required.

- (a) No person shall engage in the activities of a dealer as defined in section 27.1-19 without first obtaining a permit from the chief of police of Hampton, Virginia or his designee.*
- (b) To obtain a permit, the dealer shall file with the chief of police an application form which includes the dealer's full name, any aliases, residential address, age, date of birth, sex, and fingerprints; the name, address, and telephone number of the applicant's employer(s), if any; and the location of the dealer's place of business. Upon filing this application and the payment of a two hundred dollar (\$200) application fee, the dealer shall be issued a permit by the chief of police, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven (7) years prior to the date of application. The permit shall be denied if the applicant has been denied a permit or*

has had a permit revoked under any ordinance similar in substance to the provisions of this article.

- (c) Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the chief of police of Hampton, Virginia or his designee.*
- (d) This permit shall be valid for one (1) year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual permit fee of two hundred dollar (\$200). No permit shall be transferable.*
- (e) Every dealer at the time of obtaining such permit shall obtain and provide to the City of Hampton, Virginia a bond secured by a corporate surety authorized to do business in this Commonwealth, in the penal sum of ten thousand dollars (\$10,000.00), conditioned upon strict compliance with the terms of this article. In lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth a letter of credit in favor of the City of Hampton, Virginia for ten thousand dollars (\$10,000.00).*
- (f) If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and recognized holidays excepted, the dealer shall notify the chief of police of Hampton, Virginia or his designee of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.*

Sec. 27.1-21. – Records to be kept; copy furnished to local authorities.

- (a) Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The account shall be recorded at the time of the transaction, on a form approved by the chief of police of Hampton, Virginia or his designee, and shall include:*
 - (1) A complete description and statement of ownership of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers, or other identifying marks or monograms on each item purchased, the true weight or carat of any gem, and the price paid for each item;*
 - (2) The date, time, and place of receiving the items purchased;*
 - (3) The full name, residence address, telephone numbers, and driver's license number or other identifying credential, as defined in subsection (d), of the person selling or pledging the article, together with a particular description, including height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person;*
 - (4) Verification of the identification by the exhibition of an identifying credential, as defined in subsection (d). The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;*
 - (5) A digital image of the form of identification used by the person involved in the transaction; and*

- (6) *All other facts and circumstances respecting such transaction.*
- (b) *All records required by this section shall be retained by the dealer for not less than twenty-four (24) months. Such records may be maintained by the dealer in an electronic format at his place of business.*
- (c) *The information required by subdivisions (a)(1) through (a)(3) shall appear on each bill of sale for all precious metals and gems purchased by a dealer.*
- (d) *An "identifying credential" shall be any valid operator's license, any valid chauffeur's license, or any valid identification card issued by a governmental agency. The photograph, date of birth, and signature of the person attempting to sell an article under this section must be affixed on the operator's license, chauffeur's license, or identification card in order for it to qualify as an identifying credential. No operator's license, chauffeur's license, or identification card shall be considered valid for the purpose of qualifying as an identifying credential if presented to dealer or employee after its date of expiration.*

Sec. 27.1-22. – Daily Reports.

- (a) *Every dealer shall furnish each business day, by 1:00 p.m., to the chief of police of Hampton, Virginia or his designee, a true and correct report of all precious metal or gems items purchased or acquired by the dealer during the preceding business day. The report shall include:*
 - (1) *The seller's full name, residential address, and driver's license number or other identifying credential as defined in section 27.1-21;*
 - (2) *A digital image of the identifying credential used by the seller; and*
 - (3) *A description of the article purchased. The description shall describe each article as accurately as possible and shall include any names, initials, serial numbers, or other identifying marks or monograms on each article purchased, and the true weight or carat of any gem.*
- (b) *The report shall be submitted in an electronic format as provided by the chief of police of Hampton, Virginia or his designee.*
- (c) *If the purchase or acquisition occurs during a weekend or holiday, then the submittal of the electronic report required in subsection (a) shall be made no later than 1:00 p.m. the next regular business day.*

Sec. 27.1-23. – Officers may examine records or property; warrantless search and seizure authorized.

Every dealer or his employee shall admit to his place of business, during regular business hours, any duly authorized law enforcement officer of the City of Hampton, Virginia, or any law enforcement officer of the state or federal government. The dealer or his employee shall permit the officer to (i) examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen and (ii) search for and take into

possession any article known to him to be missing, or known or believed by him to have been stolen. However, the officer shall not take possession of any article without providing to the dealer a receipt.

Sec. 27.1-24. – Prohibited purchases.

- (a) No dealer shall purchase precious metals or gems from any seller who is under the age of eighteen.*
- (b) No dealer shall purchase precious metals or gems from any seller who the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.*
- (c) No dealer shall purchase precious metals or gems without first (i) ascertaining the identity of the seller by requiring an identifying credential as defined in section 27.1-20, and at least one other corroborating means of identification, and (ii) obtaining a statement of ownership from the seller.*

Sec. 27.1-25. – Dealer to retain purchases.

- (a) The dealer shall retain all precious metals or gems purchased for a minimum of twenty (20) calendar days from the date on which a copy of the daily report required by section 27.1-21 is received by the chief of police of Hampton, Virginia or his designee. Until the expiration of this period, the dealer shall not sell, alter, or dispose of a purchased item in whole or in part, or remove it from the City of Hampton, Virginia.*
- (b) If a dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of twenty (20) calendar days after receiving such article and precious metals or gems.*

Sec. 27.1-26. – Record of disposition.

Each dealer shall maintain for at least twenty-four (24) months an accurate and legible record of the full name and address of the person, firm, or corporation to which he sells any precious metal or gem in its original form after the waiting period required by section 27.1-25. This record shall also show the full name and address of the seller from whom the dealer purchased the item.

Sec. 27.1-27. – Exemptions from chapter.

- (a) The chief of police of Hampton, Virginia or his designee, may waive by written notice implementation of any one or more of the provisions of this article, except section 27.1-24, for particular numismatic, gem, or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibitions is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions.*
- (b) The provisions of this article shall not apply to the sale or purchase of coins.*

- (c) *The provisions of this article shall not apply to any bank, branch thereof, trust company or bank holding company, or any wholly owned subsidiary thereof, engaged in buying or selling gold and silver bullion.*

Sec. 27.1-28. – Penalties; first and subsequent offenses.

- (a) *Any person convicted of violating any of the provisions of this article shall be guilty of a Class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense he shall be guilty of a Class 1 misdemeanor.*
- (b) *Upon the first conviction of a dealer for violation of any provision of this chapter, the chief of police of Hampton, Virginia may revoke the dealer's permit for one (1) full year from the date the conviction becomes final. Such revocation shall be mandatory for two (2) full years from the date the conviction becomes final upon a second conviction.*

Amendments to the City Code regarding Pawnbrokers and Junk, Metals and Building Fixture Dealers

Over the last several years crimes involving salvageable metals (junk metals), and stolen property being traded at pawn and precious metal dealers has greatly increased nationwide.

As a result, the Commonwealth of Virginia has amended laws pertaining to scrap metal purchasers, precious metal dealers and pawn brokers over the last several years.

Our local city ordinances pertaining to these laws no longer parallel the state codes. It is recommended we update our ordinances to parallel state code.

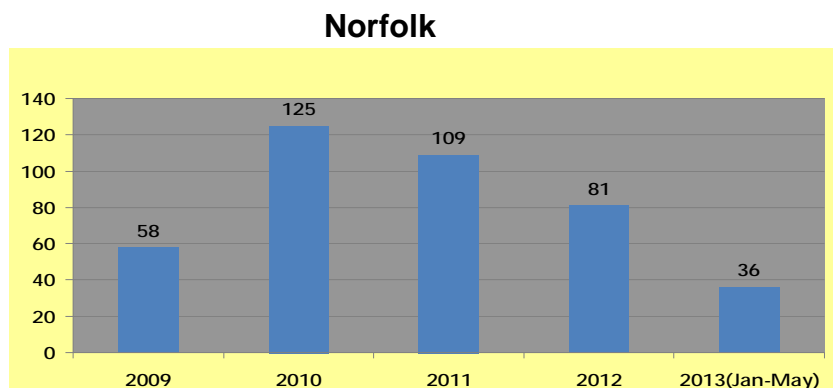
Salvageable Metal dealers (Junk dealers)

- ✦ The City of Hampton currently has two (2) registered salvageable metal dealers.
- ✦ Salvageable metal dealers practice in the purchasing of building materials and all types of metals (copper, aluminum, steel, stainless steel, titanium etc)
- ✦ The amendments will require the dealer to report anyone making more that 26 transaction within 12 months or selling more than 600 pounds within the same time period.
- ✦ This will provide investigators with additional information in identifying those required to have a Junk dealers permit.

CRIMES INVOLVING SALVAGEABLE METALS IN HAMPTON

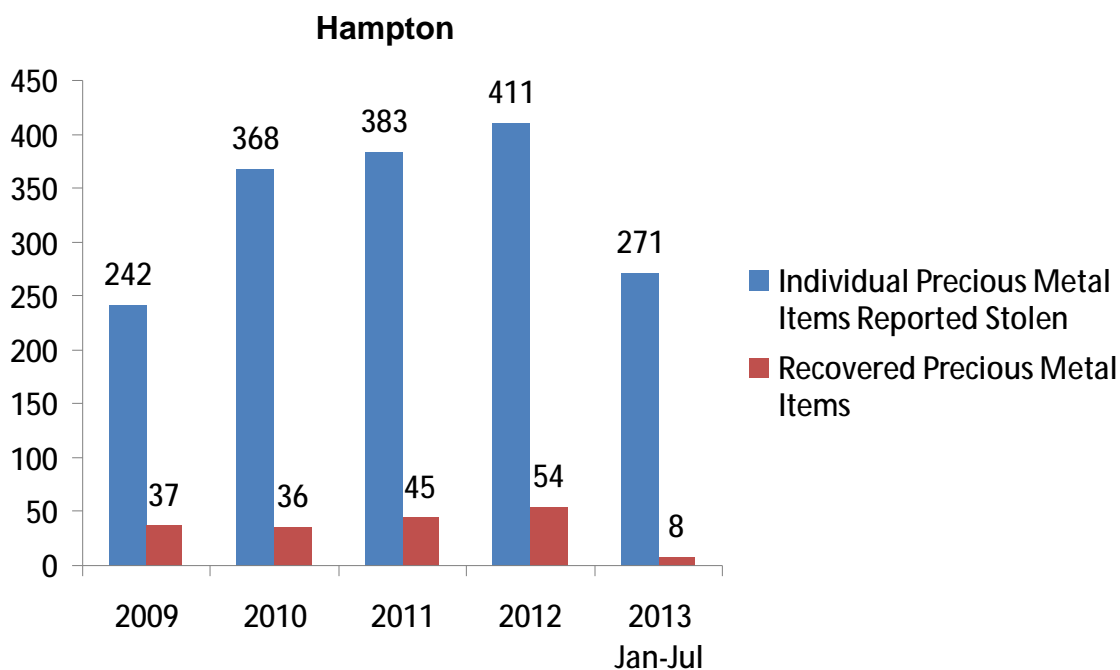
- ✦ 2009: 76 reported cases
- ✦ 2010: 143 reported cases
- ✦ 2011: 345 reported cases
- ✦ 2012: 236 reported cases
- ✦ 2013 (Jan-July): 188 reported cases
- ✦ **2009 VS 2012: 211% increase**

The City of Norfolk which has amended their city code to mirror state code provisions, and enhance their reporting requirements, has seen a steady decline in metal thefts.



Precious Metal Dealers

- ✚ The City of Hampton currently has nine (9) registered precious metal dealers.
- ✚ Precious metal dealers practice in purchasing gold, platinum and silver.
- ✚ The amendments will require the dealers to retain all precious metals and gems for a minimum of twenty (20) days. The dealer cannot sell, alter, dispose of or remove them from the City of Hampton.
- ✚ This will provide investigators with additional time to identify, locate and recover any stolen precious metals sold to the dealers.



Pawn Brokers

- ✦ The City of Hampton currently has nine registered pawn shops.
- ✦ As required by code, each of these businesses are required to provide a detailed list of items purchased and pawned in a daily report.
- ✦ The daily reports are a very valuable tool in detecting, locating and recovering stolen property.

Current Reporting Procedures (LINX System)

- ✦ A Hampton Detective responds to each salvageable metal dealer, precious metal shop and pawn shop in the City that does not report electronically to pick up their daily reports.
- ✦ Currently, less than half of these businesses report electronically.
- ✦ On average, it takes 2-3 hours per day, three three times per week, to obtain these reports.
- ✦ As a result, the detectives spend just under ten (10) hours per week picking up reports; time that is taken away from their primary responsibility of criminal investigations.
- ✦ The information from the salvageable metal, precious metal and pawn shops is manually entered into the HPD database by only 3 civilian staff members in Investigations who also have other administrative responsibilities.
- ✦ On average, 450 entries are made per week, over 1800 per month and over 21,600 per year.
- ✦ The sheer volume of entries means that the investigative database is never current.
- ✦ The database is currently approximately 30 days behind and that amount will continue to increase over time due to limited personnel resources.

New Reporting Procedures (LeadsOnLine January 01, 2014)

- ✦ The Police Division is purchasing a technology service LeadsOnLine which is designed to help law enforcement catch criminals, while helping businesses

reduce the hassles of reporting. Daily reports will go directly into the Leads Online database without the hassles and delays of manual data entry.

- ✦ HPD will be supported by thousands of other law enforcement agencies country-wide, sharing information and thereby helping each other solve crimes.
- ✦ Newport News, Poquoson, York County, James City County, Chesapeake, Isle of White County, South Hampton County, Williamsburg and Gloucester County all have Leads Online. It is our understanding that Virginia Beach and Suffolk are also in the process of obtaining LeadsOnline.
- ✦ Daily Reports shall include:
 - ✦ Sellers approved identifying credential.
 - ✦ Digital image of the identifying credential used by seller.
 - ✦ Digital image of the seller with the item being sold or traded.
 - ✦ Digital image of each item sold or traded and a complete, accurate description of each item.
 - ✦ The report shall be submitted in an electronic format as provided by the Chief of Police of Hampton or his designee.

The timely and effective identification and apprehension of criminals is our goal. By adopting these suggested ordinances and reporting requirements the investigators assigned to property crimes will have a better chance at apprehension of the suspect and locating of stolen property.



City of Hampton, VA

Agenda Review

File Number: 13-0431

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: 13-0431

Request Number: R-2013-00430

File Type: Appointment

Department: Clerk of Council

Introduced: 11/13/2013

Date of Final Action:

Enactment Number:

Effective:

Status: Received By Clerk's Office

Created By: Katherine K. Glass, CMC

Phone:

Requestor: Katherine K. Glass

Phone: 757-727-6315

Presenter: N/A

Phone:

Title: Appointment of Council Members to Various Boards, Commissions and Committees.

Action Requested: Make appointments as set forth.

Estimated Time: 5 minutes

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Finance Committee – Linda Curtis in the place of George Wallace until June 30, 2014.

Hampton Roads Air Quality Control Committee – George Wallace in the place of Molly Ward until June 30, 2014.

Hampton Roads Economic Development Alliance – George Wallace in the place of Molly Ward until June 30, 2016.

Hampton Roads Mayors & Chairs – George Wallace in the place of Molly Ward.

Hampton Roads Military and Federal Facilities Alliance – George Wallace in the place of Molly Ward.

Hampton Roads Transportation Planning Organization – George Wallace in the place of Molly Ward until June 30, 2014.

Mayor's Committee for People with Disabilities – George Wallace in the place of Molly Ward until June 30, 2014.

National Aeronautics Support Team – Chris Stuart in the place of Molly Ward and Will Moffett in the place of George Wallace until June 30, 2014

Office of Human Affairs – designee serves for appointee

--Andy Clary serving for Billy Hobbs until 6/30/14

--Martin Cross serving for George Wallace until 6/30/14

--Diana Hughes serving for Chris Snead until 6/30/14

--Brian Jackson serving for Chris Stuart until 6/30/14

Peninsula Airport Commission – George Wallace until June 30, 2016.

Peninsula Mayors & Chairs – George Wallace in the place of Molly Ward.

Purchasing and Procurement Oversight Committee – Linda Curtis in the place of George Wallace until June 30, 2016.

Virginia First Cities – Chris Snead in the place of George Wallace until June 30, 2016.



City of Hampton, VA

Agenda Review

File Number: 13-0432

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0432**

Request Number: **R-2013-00431**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to consider an appointment to the Grievance Panel.**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Linda Curtis was appointed as Vice Mayor on October 23, 2013. Council is asked to consider a replacement for her on the Grievance Panel.



City of Hampton, VA

Agenda Review

File Number: 13-0433

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0433**

Request Number: **R-2013-00432**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to consider an appointment to the Virginia Alcohol Safety Action Program (VASAP)**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
10/31/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Linda Curtis was appointed as Vice Mayor on October 23, 2013. Council is asked to consider a replacement for her on the VASAP for the term expiring on June 30, 2014.



City of Hampton, VA

Agenda Review

File Number: 13-0447

22 Lincoln Street
Hampton, VA 23669
www.hampton.gov

File Number: **13-0447**

Request Number: **R-2013-00450**

File Type: **Appointment**

Department: **Clerk of Council**

Introduced: **11/13/2013**

Date of Final Action:

Enactment Number:

Effective:

Status: **Received By Clerk's Office**

Created By: **Katherine K. Glass, CMC**

Phone:

Requestor: **Katherine K. Glass**

Phone: **757-727-6315**

Presenter: **N/A**

Phone:

Title: **to consider an appointment to the Hampton Federal Area Development Authority.**

Action Requested: **discuss in the afternoon, appoint in the evening**

Estimated Time: **5 minutes**

Indicators:

Advertised:

Fiscal Notes:

Attachments:

Date	Acting Body	Action
11/5/2013		Received By Clerk's Office

BRIEF BACKGROUND STATEMENT:

Susan Rotkis has served her first full term which will expire on November 30, 2013. She is eligible for reappointment until November 30, 2017.